

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

BUDGET

Senator Alexander, Chair
Senator Negrón, Vice Chair

MEETING DATE: Wednesday, January 25, 2012

TIME: 1:00 —3:00 p.m.

PLACE: Pat Thomas Committee Room, 412 Knott Building

MEMBERS: Senator Alexander, Chair; Senator Negrón, Vice Chair; Senators Altman, Benacquisto, Bogdanoff, Fasano, Flores, Gaetz, Hays, Joyner, Lynn, Margolis, Montford, Rich, Richter, Simmons, Siplin, Sobel, Thrasher, and Wise

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	CS/SB 2036 Rules / Rules (Compare CS/S 2038)	Outsourcing or Privatization of Agency Functions; Providing that certain information relating to the outsourcing or privatization of an agency function which is expressly required by law is not required to be included in the agency's legislative budget request until after the contract for such function is executed; requiring an agency to publicly publish the business case prepared for an outsourcing project on the agency's website; providing that certain requirements that apply to Department of Corrections' contracts do not apply to contracts for outsourcing or privatizing the operation and maintenance of correctional facilities which are expressly required by law, etc. RC 01/23/2012 Fav/CS BC 01/25/2012 Not Considered	Not Considered
2	CS/SB 2038 Rules / Rules (Compare CS/S 2036)	Privatization of Correctional Facilities; Requiring that the Department of Corrections privatize the management and operation of certain correctional facilities and assigned correctional units; requiring that the department determine the costs incurred for the 2010-2011 fiscal year for each correctional facility and assigned correctional unit according to a specified formula; limiting the costs to be incurred by the state in the second or subsequent contract years; repealing provisions relating to the adoption of rules by the Department of Corrections regarding contractual arrangements and standards for the operation of correctional facilities by private vendors, etc. RC 01/23/2012 Fav/CS BC 01/25/2012 Fav/CS	Fav/CS Yeas 14 Nays 4

COMMITTEE MEETING EXPANDED AGENDA

Budget

Wednesday, January 25, 2012, 1:00 —3:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
3	CS/SB 186 Judiciary / Ring (Similar CS/H 183)	Misdemeanor Pretrial Substance Abuse Programs; Providing that a person who is charged with a nonviolent, nontraffic-related misdemeanor and identified as having a substance abuse problem or who is charged with certain other designated misdemeanor offenses, and who has not previously been convicted of a felony, may qualify for participation in a misdemeanor pretrial substance abuse program, etc. CJ 10/04/2011 Fav/1 Amendment JU 10/18/2011 Fav/CS BJA 11/15/2011 Favorable BC 01/25/2012 Not Considered	Not Considered
4	CS/SB 226 Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations / Margolis (Compare CS/H 27)	Disabled Parking Permits; Providing for a parking enforcement specialist or agency to validate compliance for the disposition of a citation issued for illegally parking in a space provided for people who have disabilities; revising requirements for renewal or replacement of a disabled parking permit; prohibiting applying for a new disabled parking permit for a certain period of time upon a second finding of guilt or plea of nolo contendere to unlawful use of such permit; requiring the Department of Highway Safety and Motor Vehicles to audit disabled parking permitholders, verify certain information, and invalidate the permit of a deceased permitholder; directing the department to implement a means for reporting abuse of disabled parking permits; providing for the department to conduct a public awareness campaign, etc. TR 11/01/2011 Favorable BTA 12/08/2011 Fav/CS BC 01/25/2012 Not Considered	Not Considered

Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Budget Committee

BILL: CS/SB 2036

INTRODUCER: Rules Committee and Rules Committee

SUBJECT: Outsourcing or Privatization of Agency Functions

DATE: January 23, 2012

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Sneed	Phelps		Fav/CS
2.	Sneed	Rhodes		Pre-Meeting
3.				
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

A. COMMITTEE SUBSTITUTE.....	<input checked="" type="checkbox"/>	Statement of Substantial Changes
B. AMENDMENTS.....	<input type="checkbox"/>	Technical amendments were recommended
	<input type="checkbox"/>	Amendments were recommended
	<input type="checkbox"/>	Significant amendments were recommended

I. Summary:

This bill amends s. 216.023, F.S., as it relates to the outsourcing or privatization of agency functions. It provides additional time to meet certain requirements to provide information and analyses in an agency's legislative budget request (LBR) when the information pertains to outsourcing or privatization of an agency function that is expressly required by the General Appropriations Act or any other law. These information and analysis requirements include provision of cost-benefit analyses, business case analyses, performance contracting procedures, and impacts on performance standards.

The bill amends s. 287.0571, F.S., to provide that it does not apply to contracts for the outsourcing or privatization of agency functions when the outsourcing or privatization is expressly directed by the General Appropriation Act or any other law, except in new s. 944.7115, F.S., created in SPB 7172. This statute deals generally with outsourcing and privatization .

The bill also amends s. 945.105, F.S., to provide that it does not apply to contracts for the outsourcing or privatization of correctional facilities when the outsourcing or privatization is expressly directed by the General Appropriation Act or any other law. Section 945.105, F.S.,

provides requirements for the operation and maintenance of correctional facilities by private entities.

This bill would amend various Florida Statutes cited in Baiardi v. Tucker, (Fla. 2nd Circ Ct), Case No. 2011-CA-68 (2011), the case which declared unconstitutional a proviso in the 2011-2012 General Appropriations Act (Chapter 2011-69, Laws of Florida). There, the court found certain statutes required the Department of Corrections to initiate a privatization and submit a legislative budget request before the Legislature could direct the privatization of specified correctional facilities. This bill makes clear that the Legislature may direct privatization of an agency function itself, without any agency request. In Baiardi, the circuit court said, “if it is the will of the Legislature to initiate privatization of Florida prisons, the Legislature must do so by general law. . . .” See, Final Declaratory and Injunctive Judgment in Baiardi, p. 2.

II. Present Situation:

Legislative Budget Request Requirements

Section 216.023, F.S., outlines the processes each agency must follow in developing its LBR. The law requires the LBR to include, among other items, information on expenditures for three fiscal years, details on trust funds and fees, and an issue narrative justifying changes in amounts and positions requested. In addition, the LBR must include supporting information, including applicable cost-benefit analyses, business case analyses, performance contracting procedures, service comparisons, and impacts on performance standards for any request to outsource or privatize agency functions. The cost-benefit and business case analyses must include an assessment of the impact on each affected activity.

For projects that exceed \$10 million in total cost, the LBR must include the statutory reference for the existing policy or the proposed substantive policy that establishes and defines the project’s governance structure, planned scope, main business objectives that must be achieved, and estimated completion timeframes.

Requirements for a Business Case

Section 287.0571(4), F.S., requires an agency to complete a business case for any project that has an expected cost in excess of \$10 million within a single fiscal year and lists the components that need to be included the business case for outsourcing or privatizing services. The business case must be included as supporting documentation for the agency’s LBR and be made available as part of the solicitation, but is not subject to challenge. The statute requires a number of components to be contained in the business case, including the following:

- A description of the service to be outsourced and any supporting legal authority for outsourcing.
- A description and analysis of the agency’s current performance if the agency is currently performing the service or activity.
- The desired goals to be achieved by outsourcing and the rationale for those goals.
- Citation to existing or proposed legal authorization for the outsourcing.

- Options for achieving the desired goals or objectives along with the advantages or disadvantages of each, including at least one option for the agency to continue providing the service.
- A description of the current market for the services to be outsourced.
- A cost-benefit analysis.
- Current and expected performance standards.
- Key benchmarks and timeframes.
- A contingency plan in the event of contractor nonperformance.
- An agency transition plan.

Section 287.0571(5), F.S., provides specific elements that must be addressed in a contract for outsourcing or privatization, including:

- Each of the services and deliverables.
- Quantifiable service requirements and performance objectives.
- Provisions to identify costs, payment terms and schedules.
- A transition plan.
- Performance standards.
- Monitoring and reporting requirements.
- Any penalties for failure to meet performance standards.

Requirements in Section 944.105, F.S., for Privatization of Corrections Activities

Section 944.105, F.S., authorizes the Department of Corrections to enter contracts with private vendors for the operation and maintenance of correctional facilities and includes the following provisions concerning contracts with private vendors for the operation of correctional facilities:

- A prohibition against entering into such a contract unless:
 - The contract offers a substantial savings to the department, as determined by the department in consultation with the Auditor General. The cost savings calculation must include all cost components that contribute to the inmate per diem, including administrative costs associated with central and regional office administration;
 - The Contract provides for the same quality of services as that offered by the department; and,
 - The legislature has made a specific appropriation for the resulting contract.¹
- A requirement that the contractor is be liable in tort with respect to the care and custody of inmates under its supervision.²
- A provision that an inmate's willful failure to remain within the supervisory control of the private contractor constitutes an escape punishable under s. 944.40, F.S.,³ which prohibits escape of prisoners. This provision is also incorporated in s. 944.40, F.S., itself.
- Provisions regarding authorized use of force, training in the use of force and use of firearms, and qualifications and certification of private correctional officers.⁴

¹ Section 944.105(1), F.S.

² Section 944.105(2), F.S.

³ Section 944.105(3), F.S.

⁴ Sections 944.105(4), (5) and (7), F.S.

- A requirement for the department to comply with s. 216.311, F.S., concerning unauthorized contracts in excess of appropriations, and with s. 287.057, F.S. concerning competitive solicitations for contractual services.⁵
- A requirement for the department to promulgate rules pursuant to chapter 120 specifying criteria for such contractual arrangements.⁶

III. Effect of Proposed Changes:

Section 1 amends s. 216.023(4)(a), F.S., to provide that subparagraphs 7, 8, and 10 do not apply to the outsourcing or privatization of agency functions expressly required by the General Appropriation Act or any other law until submission of the agency's first LBR after execution of the contract for outsourcing or privatization. The bill also amends subparagraph 7 to apply only to agency requests to outsource or privatize an agency function, and amends subparagraph 10 to apply only to projects requested by an agency.

- Subparagraph 7 requires the LBR pertaining to any outsourcing or privatization of agency functions to contain supporting information that includes applicable cost-benefit analyses, business case analyses, performance contracting procedures, service comparisons, and impacts on performance standards. In addition, it requires the cost-benefit and business case analyses to include an assessment of the impact on each affected activity, and performance standards to include standards for each affected activity.
- Subparagraph 8 requires the LBR to include an evaluation of any major outsourcing and privatization initiatives undertaken during the last 5 fiscal years that have aggregate expenditures exceeding \$10 million during the term of the contract. This evaluation must include: (1) an assessment of contractor performance; (2) a comparison of anticipated service levels to actual service levels; and (3) a comparison of estimated savings to actual savings achieved.
- Subparagraph 10 applies to projects that exceed \$10 million in total cost. For these projects, the LBR must include the statutory reference of the existing policy or the proposed substantive policy that establishes and defines the project's governance structure, planned scope, main business objectives that must be achieved, and estimated completion timeframes. Certain information technology budget requests are exempted from the requirement.

Section 2 amends s. 287.0571, F.S., to create an exception from applicability of the business case requirement for outsourcing or privatization of state agency functions when the outsourcing or privatization is expressly directed by the General Appropriation Act or any other law, except s. 944.7115, F.S. Section 944.7115, F.S., is a proposed new statute created by SPB 7172 that directs privatization of the operation and management of correctional facilities in eighteen counties in the Southern Florida Region of the Department of Corrections

Section 3 amends s. 944.105, F.S., to provide that it does not apply to a contract for the outsourcing or privatization of correctional facilities when the outsourcing or privatization is expressly directed by the General Appropriation Act or any other law.

⁵ Section 944.105(6), F.S.

⁶ Ibid.

Section 4 provides an effective date of July 1, 2012.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

On line 55, the word “and” should be changed to “or” to be consistent with phrasing used earlier in the amended portion of the subparagraph.

VII. Related Issues:

CS/SB 2036 creates a new statute that is referenced in Section 2 of this bill.

VIII. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Rules Committee on January 23, 2012:

The committee substitute makes the following changes:

- Deletes amendments to s. 287.0571, F.S., to provide that the statute does not apply to outsourcing and privatization expressly directed in the General Appropriations Act or any other law, except new s. 944.7115, F.S.
- Requires that a business case under s. 287.0571(4), F.S., must be prepared for all privatizations – including those expressly required by law – prior to the issuance of any competitive solicitation and that the business case must be posted on the agency website, rather than be included in the procurement solicitation.
- Corrects grammar in s. 216.023(4)(a)10., F.S.

- B. **Amendments:**

None.

By the Committees on Rules; and Rules

595-02201-12

20122036c1

A bill to be entitled

An act relating to the outsourcing or privatization of agency functions; amending s. 216.023, F.S.; providing that certain information relating to the outsourcing or privatization of an agency function which is expressly required by law is not required to be included in the agency's legislative budget request until after the contract for such function is executed; amending s. 287.0571, F.S.; requiring an agency to publicly publish the business case prepared for an outsourcing project on the agency's website; amending s. 944.105, F.S.; providing that certain requirements that apply to Department of Corrections' contracts do not apply to contracts for outsourcing or privatizing the operation and maintenance of correctional facilities which are expressly required by law; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraph (a) of subsection (4) of section 216.023, Florida Statutes, is amended to read:

216.023 Legislative budget requests to be furnished to Legislature by agencies.—

(4) (a) The legislative budget request ~~must contain~~ for each program must contain:

1. The constitutional or statutory authority for a program, a brief purpose statement, and approved program components.

2. Information on expenditures for 3 fiscal years (actual

595-02201-12

20122036c1

prior-year expenditures, current-year estimated expenditures, and agency budget requested expenditures for the next fiscal year) by appropriation category.

3. Details on trust funds and fees.

4. The total number of positions (authorized, fixed, and requested).

5. An issue narrative describing and justifying changes in amounts and positions requested for current and proposed programs for the next fiscal year.

6. Information resource requests.

7. Supporting information, including applicable cost-benefit analyses, business case analyses, performance contracting procedures, service comparisons, and impacts on performance standards for any agency request to outsource or privatize agency functions. The cost-benefit and business case analyses must include an assessment of the impact on each affected activity from those identified in accordance with paragraph (b). Performance standards must include standards for each affected activity and be expressed in terms of the associated unit of activity. This subparagraph does not apply to the outsourcing or privatization of agency functions expressly required by the General Appropriation Act or any other law until the first legislative budget request submitted by the agency after the contract for the outsourcing and privatization has been executed.

8. An evaluation of any major outsourcing and privatization initiatives undertaken during the last 5 fiscal years having aggregate expenditures exceeding \$10 million during the term of the contract. The evaluation must ~~shall~~ include an assessment of

595-02201-12 20122036c1

contractor performance, a comparison of anticipated service levels to actual service levels, and a comparison of estimated savings to actual savings achieved. Consolidated reports issued by the Department of Management Services may be used to satisfy this requirement. This subparagraph does not apply to the outsourcing or privatization of agency functions expressly required by the General Appropriation Act or any other law until the first legislative budget request submitted by the agency after the contract for the outsourcing and privatization has been executed.

9. Supporting information for any proposed consolidated financing of deferred-payment commodity contracts including guaranteed energy performance savings contracts. Supporting information must also include narrative describing and justifying the need, baseline for current costs, estimated cost savings, projected equipment purchases, estimated contract costs, and return on investment calculation.

10. For projects that are requested by an agency and that exceed \$10 million in total cost, the statutory reference of the existing policy or the proposed substantive policy that establishes and defines the project's governance structure, planned scope, main business objectives that must be achieved, and estimated completion timeframes. Information technology budget requests for the continuance of existing hardware and software maintenance agreements, renewal of existing software licensing agreements, or the replacement of desktop units with new technology that is similar to the technology currently in use are exempt from this requirement. This subparagraph does not apply to the outsourcing or privatization of agency functions

595-02201-12 20122036c1

expressly required by the General Appropriation Act or any other law until the first legislative budget request submitted by the agency after the contract for the outsourcing and privatization has been executed.

Section 2. Subsection (4) of section 287.0571, Florida Statutes, is amended to read:

287.0571 Business case to outsource; applicability.—

(4) An agency must ~~shall~~ complete a business case for any outsourcing project that has an expected cost in excess of \$10 million within a single fiscal year. The business case shall be submitted pursuant to s. 216.023. The business case shall be prepared and made publicly available on the agency's website before the issuance ~~as part~~ of the solicitation but is not subject to challenge and must ~~shall~~ include ~~the following~~:

(a) A detailed description of the service or activity for which the outsourcing is proposed.

(b) A description and analysis of the state agency's current performance, based on existing performance metrics if the state agency is currently performing the service or activity.

(c) The goals desired to be achieved through the proposed outsourcing and the rationale for such goals.

(d) A citation to the existing or proposed legal authority for outsourcing the service or activity.

(e) A description of available options for achieving the goals. If state employees are currently performing the service or activity, at least one option involving maintaining state provision of the service or activity must ~~shall~~ be included.

(f) An analysis of the advantages and disadvantages of each

595-02201-12 20122036c1

option, including, at a minimum, potential performance improvements and risks.

(g) A description of the current market for the contractual services that are under consideration for outsourcing.

(h) A cost-benefit analysis documenting the direct and indirect specific baseline costs, savings, and qualitative and quantitative benefits involved in or resulting from the implementation of the recommended option or options. Such analysis must specify the schedule that, at a minimum, must be adhered to in order to achieve the estimated savings. All elements of cost must be clearly identified in the cost-benefit analysis, described in the business case, and supported by applicable records and reports. The state agency head shall attest that, based on the data and information underlying the business case, to the best of his or her knowledge, all projected costs, savings, and benefits are valid and achievable. As used in this section, the term "cost" means the reasonable, relevant, and verifiable cost, which may include, but is not limited to, elements such as personnel, materials and supplies, services, equipment, capital depreciation, rent, maintenance and repairs, utilities, insurance, personnel travel, overhead, and interim and final payments. The appropriate elements ~~shall~~ depend on the nature of the specific initiative. As used in this paragraph, the term "savings" means the difference between the direct and indirect actual annual baseline costs compared to the projected annual cost for the contracted functions or responsibilities in any succeeding state fiscal year during the term of the contract.

(i) A description of differences among current state agency

595-02201-12 20122036c1

policies and processes and, as appropriate, a discussion of options for or a plan to standardize, consolidate, or revise current policies and processes, if any, to reduce the customization of any proposed solution that would otherwise be required.

(j) A description of the specific performance standards that ~~must~~, at a minimum, must be met to ensure adequate performance.

(k) The projected timeframe for key events from the beginning of the procurement process through the expiration of a contract.

(l) A plan to ensure compliance with the public records law.

(m) A specific and feasible contingency plan addressing contractor nonperformance and a description of the tasks involved in and costs required for its implementation.

(n) A state agency's transition plan for addressing changes in the number of agency personnel, affected business processes, employee transition issues, and communication with affected stakeholders, such as agency clients and the public. The transition plan must contain a reemployment and retraining assistance plan for employees who are not retained by the state agency or employed by the contractor.

(o) A plan for ensuring access by persons with disabilities in compliance with applicable state and federal law.

Section 3. Subsection (9) is added to section 944.105, Florida Statutes, to read:

944.105 Contractual arrangements with private entities for operation and maintenance of correctional facilities and

595-02201-12

20122036c1

supervision of inmates.—

(9) This section does not apply to a contract for the
outsourcing or privatization of the operation and maintenance of
correctional facilities expressly directed to be outsourced or
privatized by the General Appropriation Act or any other law.

Section 4. This act shall take effect July 1, 2012.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/25/12

Meeting Date

Topic Outsourcing or Privatization of Agency Functions

Bill Number SB 2036
(if applicable)

Name CARMELLA BLITCH

Amendment Barcode _____
(if applicable)

Job Title Public Relations Mgr

Address PO Box 813

Phone _____

Street

Quincy FL

32353

City

State

Zip

E-mail _____

Speaking: ☐ For ☒ Against ☐ Information

Representing SELF

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/25/2012
Meeting Date

Topic Privatization

Bill Number 2036
(if applicable)

Name Matt Rickett

Amendment Barcode _____
(if applicable)

Job Title Lobbyist

Address 300 East Brevard St.
Street
Tallahassee FL 32301
City State Zip

Phone 850-222-3329

E-mail _____

Speaking: ☐ For ☒ Against ☐ Information

Representing Florida Police Benevolent Association

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/25/2012
Meeting Date

Topic OUTSOURCING

Bill Number 2036
(if applicable)

Name GAIL MARIE PERRY

Amendment Barcode _____
(if applicable)

Job Title CHAIR

Address PO Box 1766
Street Pompano Beach FL 33061
City State Zip

Phone 954/850 4853

E-mail workengdels
@hotmail.com

Speaking: ☐ For ☒ Against ☐ Information

Representing CWA

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/25/12
Meeting Date

Topic Open Govt.

Bill Number SB 2036
(if applicable)

Name Rich Templin

Amendment Barcode _____
(if applicable)

Job Title _____

Address 135 S. Monroe
Street

Phone _____

Tallahassee FL 32301
City State Zip

E-mail _____

Speaking: ☐ For ☒ Against ☐ Information

Representing Florida AFL-CIO

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/25/12
Meeting Date

Topic Doc

Bill Number 2036
(if applicable)

Name Kenneth Tucker

Amendment Barcode _____
(if applicable)

Job Title Secretary

Address 501 S. Calhoun St.

Phone _____

Tallahassee FL 32399
City State Zip

E-mail _____

Speaking: ☐ For ☐ Against ☒ Information

Representing Dept. of Corrections

Appearing at request of Chair: ☒ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-25-12

Meeting Date

Topic OUTSOURCING

Bill Number SB 2036
(if applicable)

Name Charles A. Kohn

Amendment Barcode _____
(if applicable)

Job Title _____

Address 715 PLAZA DR
Street

Phone 904-859-3852

ATLANTIC BEACH, FL 32233-3907
City State Zip

E-mail _____

Speaking: ☐ For ☒ Against ☐ Information

Representing Self

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-25-12

Meeting Date

Topic Outsourcing or Privatization of Agency Functions

Bill Number SB 203C

(if applicable)

Name Frank Young

Amendment Barcode _____

(if applicable)

Job Title _____

Address 9109 Senniter Blvd.

Street

Phone 904-535-0199

Jacksonville

City

FL

State

32222

Zip

E-mail _____

Speaking: ☐ For ☒ Against ☐ Information

Representing Self

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Budget Committee

BILL: CS/SB 2038

INTRODUCER: Rules Committee

SUBJECT: Privatization of Correctional Facilities

DATE: January 23, 2012

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Sneed	Phelps		Fav/CS
2.	Sneed	Rhodes		Pre-Meeting
3.				
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

A. COMMITTEE SUBSTITUTE.....	<input checked="" type="checkbox"/>	Statement of Substantial Changes
B. AMENDMENTS.....	<input type="checkbox"/>	Technical amendments were recommended
	<input type="checkbox"/>	Amendments were recommended
	<input type="checkbox"/>	Significant amendments were recommended

I. Summary:

This bill directs the Department of Corrections (DOC or department) to competitively procure the services of a contractor(s) for the management and operation of all correctional facilities and satellite facilities currently operated by the department in 18 counties located in the Southern Florida Region of the state (formerly Region IV). The bill requires DOC to issue one or multiple requests for proposals (RFP) within a specified timeframe. The bill directs the department to include certain requirements in the RFP(s), including a cost savings requirement of at least 7 percent for the first year of the contract(s) and contractor performance measures. The bill states that the cost savings requirement in the bid specifications is not subject to challenge in any protest of the specifications of the RFP. The bill requires that DOC, after awarding a contract(s) and resolving any bid disputes and negotiating a proposed contract, submit a budget amendment to the Legislative Budget Commission (LBC) which revises the department's operating budget and demonstrates the required 7 percent savings. DOC shall enter into a contract(s) with the successful vendor or vendors after approval by the Legislative Budget Commission. Any contract resulting from the RFP must comply with all federal, state, and local laws and all rules of the Department of Corrections.

This bill creates s. 744.7115 and repeals s. 944.719(1), Florida Statutes.

This bill would create by general law a requirement for the privatization of existing correctional facilities similar to the proviso in the 2011-2012 General Appropriations Act (Chapter 2011-69, Laws of Florida) which was declared unconstitutional in Baiardi v. Tucker, (Fla. 2nd Circ Ct), Case No. 2011-CA-68 (2011).

II. Present Situation:

The Florida Department of Corrections (DOC or department) operates the third largest state prison system in the nation. DOC, with a budget of \$2.18 billion for the 2011-2012 fiscal year and 27,589 full-time equivalent positions, three-quarters of which are certified correctional officers and probation officers, is one of Florida's largest state agencies.

The department is responsible for providing care and custody for nearly 101,000 inmates and another 112,800 offenders on active community supervision. During incarceration, medical care and other health and welfare services are provided to inmates. DOC inmates are also involved in work assignments, as well as education, training, and substance abuse treatment to promote employability, literacy, sobriety, and accountability to crime victims.

The state's inmate population on January 1, 2012, totaled 100,606. DOC operates 62 major prison facilities, including 7 privately operated facilities, 46 work or forestry camps, 33 work release centers, a medical treatment center, and 5 road prisons. A total of 10,128 inmates, or 10 percent of DOC's population, are housed in private prisons.¹

Correctional Facilities in Region IV (operated by the Department of Corrections)

During the months of July through September, 2011, DOC consolidated its four regional administrative offices into two regions. Prior to this realignment, the department's Region IV included correctional facilities in Manatee, Hardee, Indian River, Okeechobee, Highlands, St. Lucie, Desoto, Sarasota, Charlotte, Glades, Martin, Palm Beach, Hendry, Lee, Collier, Broward, Miami-Dade, and Monroe Counties. These counties and facilities are now part of the department's Southern Florida Region.

DOC operates 29 correctional facilities, housing more than 14,500 inmates, including 11 major institutions, work camps, reentry centers and road prisons in the region formerly referred to as Region IV. The DOC has approximately 3,800 employees in this region, with total operating costs of about \$268 million per year.² Each facility in Region IV is listed below, together with the type of inmates housed in each, the general custody level served, and the 2010-2011 reported average inmate population for each facility.³

¹ State of Florida correctional facilities constructed and operated by vendors are generally referred to as "private prisons" and operated under contracts between the Department of Management Services (DMS) and private providers.

² Total operating costs excludes inmate medical and pharmaceutical costs and DOC classification costs. Total operating costs have been further reduced for a 3 percent state employee retirement contribution. Additional adjustments in total operating costs may be necessary if any correctional facilities are closed in this region. DOC has issued a request for proposals to privatize inmate medical services statewide.

³ Inmate population totals changed in the 2011-12 fiscal year. Two examples include the 3,000+ inmate transfers that resulted from closing Hendry Correctional Institution in June 30, 2011 and Glades Correctional Institution in Dec 1, 2011.

Correctional Institutions (includes annexes)

- Broward Correctional Institution (female; close custody; 701 inmates)
- Charlotte Correctional Institution (male; close custody; 838 inmates)
- Dade Correctional Institution (male; close custody; 1,526 inmates)
- Desoto Correctional Institution (male; close custody; 1,844 inmates)
- Everglades Correctional Institution (male; close custody; 1,593 inmates)
- Hardee Correctional Institution (male; close custody; 1,889 inmates)
- Homestead Correctional Institution (female; close custody; 672 inmates)
- Indian River Correctional Institution (male youth; close custody; 489 inmates)
- Martin Correctional Institution (male; close custody; 1,496 inmates)
- Okeechobee Correctional Institution (male; close custody; 1,619 inmates)

Reception Centers

- South Florida Reception Center (male; close custody; 1,398 inmates)
- South Florida Reception Center South Unit (elderly male; close custody; 665 inmates)

Work Release Centers

- Atlantic WRC (female youth; community custody; 43 inmates)
- Ft. Pierce WRC (male youth; community custody; 81 inmates)
- Hollywood WRC (female pre-release; community custody; 115 inmates)
- Miami North WRC (male youth; community custody; 179 inmates)
- Opa Locka WRC (male youth; community custody; 140 inmates)
- West Palm Beach WRC (male youth; community custody; 146 inmates)

Re-Entry Centers

- Sago Palm Re-Entry Center (male; medium security; 384 inmates)

Other Correctional Facilities

- Arcadia Road Prison (male; minimum custody; 68 inmates)
- Big Pine Key Road Prison (male; minimum custody; 45 inmates)
- Desoto Work Camp (male; medium custody; 196 inmates)
- Ft. Myers Work Camp (male; minimum custody; 78 inmates)
- Glades Work Camp (male; medium custody; 196 inmates)
- Hardee Work Camp (male; medium custody; 196 inmates)
- Hendry Work Camp (male; medium custody; 192 inmates)
- Loxahatchee Road Prison (male; minimum custody; 62 inmates)
- Martin Work Camp (male; medium custody; 180 inmates)
- Martin Unit Treatment Center (male; minimum custody, 80 inmates)

Privately Operated Prisons (overseen by the Department of Management Services)

The Florida Legislature first authorized the construction and operation of privately operated correctional facilities in 1989. Bay Correctional Institution opened in March 1995. Today, Chapter 957, Florida Statutes, charges the Bureau of Private Prison Monitoring in the Department of Management Services (DMS) with the responsibility for entering into contracts for the design, construction, and operation of privately-operated correctional facilities. Section 957.07, F.S., requires DMS to determine that a contract for a private facility will result in a cost savings to the state of at least 7 percent over similar public facility costs before DMS can enter into such a contract. DMS currently oversees the prison management/operations contracts for the 7 following correctional facilities:

- Bay Correctional Institution (male; medium custody; 985 inmates)
- Blackwater Correctional Institution (male; medium custody; 2,000 inmates)
- Gadsden Correctional Institution (female; medium custody; 1,520 inmates)
- Graceville Correctional Institution (male; medium custody; 1,884 inmates)
- Lake City Correctional Institution (male youth; medium custody; 893 inmates)
- Moore Haven Correctional Institution (male; medium custody; 985 inmates)
- South Bay Correctional Institution (male; close custody; 1,861 inmates)

Benefits of Privatization

In addition to Florida, other states have found that prison privatization has resulted in cost savings. For example, the Texas Legislative Budget Board's (LBB) biannual cost comparison study of public and private sector prison operations demonstrated that average per diem costs in state operated prisons have ranged been between 7 percent to 26 percent higher than the average costs of private facility operation since 1997, or approximately 15 percent per year on average. According to the LBB analysis, the average daily cost of operation in privately operated prisons has never exceeded the average costs in government-run prisons since 1997. In 2010, operating costs per inmate per day in public and private sector prisons in Texas were \$44.12 and \$37.47, respectively, representing cost savings of over 15 percent that year in private facilities.⁴

A 2002 Reason Foundation study reviewed 28 academic and government studies on privatization and found that private corrections companies saved up to 23 percent in daily operating costs over comparable government-run systems. The studies reviewed support a conservative estimate that private facilities offer cost savings of between 10 percent and 15 percent over their public sector counterparts. A 2009 Avondale Partners survey of 30 state correctional agencies found that in states currently using private sector services, the average daily savings for partnership prisons was 28 percent.⁵

Florida's 7 existing private prisons contracts and former contracts were procured for their ability to achieve and maintain costs at least 7 percent below DOC's average per diem cost. Florida law requires the Office of Program Policy Analysis and Government Accountability (OPPAGA) to evaluate private vendors' performance in operating the state's privately operated prisons. The

⁴ The Reason Foundation. *Annual Privatization Report 2010: Corrections*, March 2011.

⁵ *Id*

inclusion of private prisons within Florida's correctional system provides a comparison for evaluations of the quality and cost of public corrections.

For those vendors contracted by DMS, s. 957.11, F.S., directs OPPAGA to evaluate the performance of the private contractor at the end of the contract, and make recommendations to the Legislature on whether to continue the contract.

By comparison, s. 944.714, F.S., sets no specified percentage, but requires facilities contracted by the Department of Corrections to be operated at a "substantial savings." Similarly, for those vendors contracted by the Department of Corrections, s. 944.719, F.S., requires OPPAGA to conduct a performance audit of the private vendor and report to the Legislature the third year following the contract award.

In a study conducted by OPPAGA in 2010⁶ on the performance of the contracts for Bay, Moore Haven, Graceville, and Gadsden private prisons, each with contract terms expiring on June 30, 2010, OPPAGA noted the following cost savings:

- Bay Correctional Institution – 7.5 percent
- Moore Haven Correctional Institution – 12.8 percent
- Graceville Correctional Institution – 22.1 percent
- Gadsden Correctional Institution – 28.3 percent

In the OPPAGA study conducted in 2009⁷ on contract performance for South Bay and Lake City private prisons, the following cost savings were reported:

- South Bay Correctional Institution – 14 percent
- Lake City Correctional Institution – 11 percent

In each of the OPPAGA studies on the private prisons, contract performance was determined to be satisfactory. Both reports noted three areas that contributed to the cost savings achieved by the private prisons: reduced retirement benefits paid to private correctional officers, lower administrative costs, and lower costs for inmate rehabilitative programs such as adult education, vocational training and substance abuse treatment.

General Requirements for Bid Proposals and Contracts for Privatization

Section 287.057, F.S., describes the process for agencies to procure commodities or contractual services in excess of \$35,000. It requires the use of competitive solicitation processes as described in the section, provides exceptions to their use, and details other requirements relating to contracting.

Types of competitive solicitations: The preferred method of competitive solicitation under s. 287.057, F.S., is the invitation to bid (ITB). An ITB must be used when the agency can specifically define the scope of work for which the service.

⁶ Office of Program Policy Analysis and Government Accountability *Research Memorandum: Private Prisons Exceed Savings Requirements*, April 20, 2010.

⁷ Office of Program Policy Analysis and Government Accountability *Research Memorandum: Private Prisons Exceed Savings Requirements; Need to Improve Prison Security and Inmate Family Contact Practices*, April 17, 2009.

If it is not practicable to use an ITB, an agency can issue a request for proposals (RFP) to procure the commodity or service. The agency must use an RFP if the purposes and uses for which the commodity or service being sought can be specifically defined and necessary deliverables can be identified. Unlike an ITB, vendors responding to an RFP may propose various combinations or versions of commodities or services to meet the requested specifications. All RFPs must include a description of the contractual services sought. The relative importance of price and other evaluation criteria, and a statement that the agency contemplates renewal if applicable.⁸ Criteria for evaluation of proposals must include the bidder's price for the base contract, its price for each year of any contemplated renewals, and the total cost for each year including renewals.

The third type of competitive solicitation described in s. 287.057, F.S., is the invitation to negotiate (ITN). An ITN is used by an agency to determine the best method for achieving a specific goal or solving a particular problem. In using an ITN, the agency identifies one or more vendors with which it can negotiate for the best value. An ITN cannot be used if unless it is not practicable to use either an ITB or an RFP.

An agency may negotiate on the best terms and conditions if less than two responsive bids, proposals, or replies to a solicitation are received.⁹

Extensions and renewals: A contract can be renewed for the longer of 3 years or the length of the original contract, subject to the same terms and conditions as the original contract.¹⁰ An agency must submit a written report concerning contract performance to the Governor, the President of the Senate, and the Speaker of the House of Representatives at least 90 days before execution of the renewal or amendment to a contract that has an original term value of more than \$10 million for the outsourcing of a service or activity, if a contract amendment resulted in a longer term or increased payments.¹¹

Other requirements: Section 287.057 also sets forth a number of other requirements including minority business enterprise participation goals;¹² appointment of contract managers and contract administrators;¹³ designation of and qualifications for personnel conducting evaluations and negotiations for contracts in excess of \$195,000;¹⁴ avoidance of conflicts of interest;¹⁵ and prohibition of unauthorized contact by a vendor with any employee or officer of the executive or legislative branch concerning any aspect of the solicitation during the procurement process.¹⁶

Specific Requirements for Privatization of Corrections Activities

Chapter 944, F.S., has a number of provisions concerning contracts with private vendors for the operation of correctional facilities.

⁸ Section 287.057(1)(b)2., F.S.

⁹ Section 287.057(5), F.S.

¹⁰ Section 287.057(12), F.S.

¹¹ Section 287.057(13), F.S.

¹² Sections 287.057(5) – (8) and (11), F.S.

¹³ Sections 287.057(14) and (15), F.S.

¹⁴ Section 287.057(16), F.S.

¹⁵ Sections 287.057(17) and (19), F.S.

¹⁶ Section 287.057(23), F.S.

Section 944.105, F.S., authorizes the Department of Corrections to enter contracts with private vendors for the operation and maintenance of correctional facilities and includes the following:

- A prohibition against entering into such a contract unless it:
 1. Offers a substantial savings to the department, as determined by the department in consultation with the Auditor General. The cost savings calculation must include all cost components that contribute to the inmate per diem, including administrative costs associated with central and regional office administration;
 2. Provides for the same quality of services as that offered by the department; and,
 3. The legislature has made a specific appropriation for the contract.¹⁷
- A requirement that the contractor be liable in tort with respect to the care and custody of inmates under its supervision. Section 944.713, F.S., requires the contractor to carry adequate liability insurance.¹⁸
- A provision that an inmate's willful failure to remain within the supervisory control of the private contractor constitutes an escape punishable under s. 944.40, F.S.,¹⁹ which prohibits escape of prisoners. This provision is also incorporated in s. 944.40, F.S., itself.
- Provisions regarding authorized use of force, training in the use of force and use of firearms, and qualifications and certification of private correctional officers.²⁰
- A requirement for the department to comply with s. 216.311, F.S., concerning unauthorized contracts in excess of appropriations, and with s. 287.057, F.S..²¹
- A requirement for the department to promulgate rules pursuant to Chapter 120 specifying criteria for such contractual arrangements.²²

Sections 944.712 through 944.718, F.S., prohibit DOC from awarding a contract to a private contractor that fails to meet any of the following requirements:

- Possession of the qualifications, management experience, and financial ability to carry out the terms of the contract.²³
- Provision for adequate liability insurance, including liability for violations of an inmate's civil rights. The contractor must indemnify the state for all claims, and is responsible for paying any claim or judgment up to \$100,000 per individual or \$200,000 per occurrence.²⁴
- Provision of a level and quality of programs that is at least equal to programs provided at similar facilities operated by DOC for similar types of inmates, and that are provided at a cost that offers substantial savings for the state.²⁵
- Employment of private correctional officers who are certified at the contractor's expense as having met the minimum qualifications for correctional officers set forth in s. 943.13, F.S..²⁶
- Operation of the correctional facility in accordance with or higher than standards established by the American Correctional Association and approved by the department at the time of the

¹⁷ Section 944.105(1), F.S.

¹⁸ Section 944.105(2), F.S.

¹⁹ Section 944.105(3), F.S.

²⁰ Sections 944.105(4), (5) and (7), F.S.

²¹ Section 944.105(6), F.S.

²² Ibid.

²³ Section 944.712, F.S.

²⁴ Section 944.713, F.S.

²⁵ Section 944.714(1), F.S.

²⁶ Section 944.714(2), F.S.

contract, or any higher standard mandated in the settlement of litigation challenging the constitutional conditions of confinement to which the department is a named defendant. The contractor must also comply with all federal and state constitutional requirements, federal, state, and local laws, department rules, and all court orders.²⁷

- Incarceration of all inmates assigned by the department as specified in the contract, with all inmates remaining in the legal custody of the department. The department is prohibited from exceeding the maximum capacity designated for the facility in the contract.²⁸
- Providing the department with a detailed plan for assuming control of the facility upon termination of the contract or in the event of bankruptcy or financial insolvency.²⁹

Section 944.717, F.S., prohibits conflicts of interest by the contractor and solicitation of a benefit from the contractor by employees or agents of the department or any other agency that exercises any functions or responsibilities in the review or approval of a private correctional facility contract or the operation of a private correctional facility

Section 944.718, F.S., permits the department to withdraw a request for proposals to privatize operations of corrections facilities at any time and for any reason.

Section 944.719, F.S., requires the department to adopt rules for contracting for and operating private correctional facilities. It also requires the appointment of contract monitors by the department and provides for the contractor to allocate a work area for the contract monitor and provide access to necessary documents and materials. Finally, it requires OPPAGA to conduct a performance audit and to review the financial audit of the private entity and report its findings to the legislature by February 1 of the third year following the contract award.

Requirements for a Business Case

Section 287.0571(4), F.S., requires an agency to complete a business case for any outsourcing or privatization project that has an expected cost in excess of \$10 million within a single fiscal year and lists the components that need to be included the business case for outsourcing or privatizing services. The business case must be included as supporting documentation for the agency's legislative budget request (LBR) for the proposed privatization and be made available as part of the solicitation, but is not subject to challenge. The statute requires a number of components to be contained in the business case, including the following:

- A description of the service to be outsourced and any supporting legal authority for outsourcing.
- A description and analysis of the agency's current performance, if the agency is currently performing the service or activity.
- The desired goals to be achieved by outsourcing and the rationale for those goals.
- Citation to existing or proposed legal authorization for the outsourcing.

²⁷ Section 944.714(3), F.S.

²⁸ Section 944.715, F.S.

²⁹ Section 944.716, F.S.

- Options for achieving the desired goals or objectives along with the advantages or disadvantages of each, including at least one option for the agency to continue providing the service.
- A description of the current market for the services to be outsourced.
- A cost-benefit analysis.
- Current and expected performance standards.
- Key benchmarks and timeframes.
- A contingency plan in the event of contractor nonperformance.
- An agency transition plan.

Section 287.0571(5), F.S., provides specific elements that must be addressed in a contract with a vendor for an outsourcing or privatization, including:

- Each of the services and deliverables.
- Quantifiable service requirements and performance objectives.
- Provisions to identify costs, payment terms and schedules.
- A transition plan.
- Performance standards.
- Monitoring and reporting requirements.
- Any penalties for failure to meet performance standards.

Legislative Budget Request Requirements

Section 216.023, F.S., outlines the processes each agency must follow in developing its LBR. The law requires the LBR to include, among other items, information on expenditures for three fiscal years, details on trust funds and fees, and an issue narrative justifying changes in amounts and positions requested. In addition, the LBR must include supporting information, including applicable cost-benefit analyses, business case analyses, performance contracting procedures, service comparisons, and impacts on performance standards for any request to outsource or privatize agency functions. The cost-benefit and business case analyses must include an assessment of the impact on each affected activity.

For projects that exceed \$10 million in total cost, the LBR must include the statutory reference for the existing policy or the proposed substantive policy that establishes and defines the project's governance structure, planned scope, main business objectives that must be achieved, and estimated completion timeframes.

2011 Privatization Efforts

On May 26, 2011, Governor Scott signed into law the 2011-2012 General Appropriations Act Appropriations Act (Chapter 2011-69, Laws of Florida), which included proviso language requiring DOC to issue one or more RFPs for the management and operation of the correctional facilities and assigned correctional units, including annexes, work camps, road prisons and work release centers operated by the department, in Region IV. Two Region IV facilities, Glades Correctional Institution and Hendry Correctional Institution were designated for closure, and therefore excluded from the procurement.

The department released the RFP on July 25, 2011. Although the proviso required a contract commencement date of no later than January 1, 2012, several events affected the RFP timeline.

Prior to the RFP's release, the Florida Police Benevolent Association (FPBA) and several correctional officers filed a complaint for declarative judgment and injunctive relief in the Second Judicial Circuit³⁰. The complaint sought to stop the department from proceeding with the procurement process. Generally, the plaintiffs alleged that the proviso required DOC to conduct the procurement process to privatize the operation and maintenance of correctional facilities in Region IV in violation of existing statutes. The plaintiffs further maintained that the Florida Constitution requires such direction to be given through passage of a general law, rather than by means of proviso in an appropriations act.

On September 8, 2011, the plaintiffs filed a motion for summary judgment.³¹ The circuit court held a hearing on the motion, and subsequently entered a judgment declaring the proviso to be unconstitutional under Article III, Section 6 (which limits all laws to a single subject) and Article III, Section 12 (which prohibits amendments or changes to substantive law on subjects unrelated to appropriations) of the Florida Constitution. In doing so, the court noted that the proviso:

[C] hanges the statutory process for privatizing prison facilities and directs DOC to replace state employees at particular prisons with private operators, and is not rationally related to the appropriations for DOC generally.

The circuit court made it clear at the outset that:

[T] he issue before it is not whether the prisons in Florida may be privatized. The answer to that question is yes, and was already answered by the enactment of Section 944.105, F.S., which gives the Department of Corrections (DOC) the authority to initiate and enter into contracts with private vendors for the operation and maintenance of correctional facilities and the supervision of inmates.

The court, citing *Dickinson v. Stone*, 251 So.2d 268 at 273 (Fla. 1971), also noted that:

[I] f it is the will of the Legislature to itself initiate privatization of Florida prisons, as opposed to DOC, the Legislature must do so by general law, rather than 'using the hidden recesses of the General Appropriations Act.

The Attorney General filed a Notice of Appeal on October 31, 2011, which had the effect of automatically staying the circuit court's order.³² The department resumed the procurement process. However, the circuit judge issued an order vacating the automatic stay on November 5, and required DOC to discontinue any further procurement activities relating to Region IV

³⁰ *Baiardi v. Tucker*, Case No. 2011-CA-68 (Fla 2nd Circ. Ct.) (2011).

³¹ A motion for summary judgment must be granted if the court determines that "the pleadings and summary judgment evidence on file show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law." Rule 1.510(c), Florida Rules of Civil Procedure.

³² Rule 9.310(b)(2), Florida Rules of Appellate Procedure.

pursuant to the provisions in the General Appropriations Act. At present, the appeal of the order declaring the proviso unconstitutional is pending in the First District Court of Appeals.

III. Effect of Proposed Changes:

SPB 7172 creates a new s. 944.7115, F.S., that requires the department to issue one or more requests for proposals (RFP) to privatize the management and operation of all correctional facilities that are operated by the department in the 18 southernmost counties within the DOC's Southern Florida Region. The designated area includes Manatee, Hardee, Indian River, Okeechobee, Highlands, St. Lucie, Desoto, Sarasota, Charlotte, Glades, Martin, Palm Beach, Hendry, Lee, Collier, Broward, Miami-Dade, and Monroe counties. The requirement does not include any correctional facilities within the area that are already privately operated, and also excludes any facility that has been closed or scheduled for closure before June 30, 2012.

In requiring the department to conduct the procurement through use of the RFP process, the bill exempts the department from the requirement in s. 287.057(1)(b)1., F.S., that requires an agency to determine and specify in writing the reasons that procurement by invitation to bid is not practicable; the remaining provisions of s. 287.057, F.S., would apply.

The bill specifies it is effective upon becoming a law and requires the department to issue the RFP or RFPs within 30 days after the effective date. Responsive proposals must be submitted no later than 30 days after issuance of the RFP or RFPs.

Requirement for Cost Savings

Any RFP issued pursuant to the bill must include a requirement that the total cost of a responsive proposal during the first year of the contract must result in actual savings of 7 percent or more to the state over the costs that were incurred by the state for provision of services at the included correctional facilities during Fiscal Year 2010-2011. The department must determine the baseline costs by using the average daily population (ADP) and the direct and distributed inmate per diem cost for each correctional facility and assigned correctional unit during FY 2010-2011. However, the bill provides that this number must be adjusted to remove the following components:

- The amount of the 3 percent retirement contribution that is now required of state employees under Chapter 121, F.S. The state was required to pay that amount during FY 2010-2011, but would not be required to do so if it continued to operate the facilities.
- Inmate medical costs, because inmate medical services are to be provided pursuant to a separate contract.
- Direct and personnel costs associated with inmate classification, because the bill requires activities relating to classification to remain under the department's supervision and direction as required by law.

This requirement for a 7 percent cost savings is more specific than the current requirement for "substantial savings" that is currently required by s. 944.105(1)(a), F.S. However, it is consistent with the 7 percent savings requirement in s. 957.07, F.S., that is required of private facilities that are operated under contract with the Department of Management Services and the proviso in the 2011-2012 General Appropriations Act pertaining to the privatization of facilities in Region IV. Also, s. 944.714, F.S., still requires that the level and quality of programs provided by a privately

operated correctional facility must be at least equal to programs offered by the department at a similar facility, and that it must offer a substantial savings as determined by a private accounting firm selected by the department.

The bill permits the department to include a provision for an increase in the total cost in subsequent years of the contract of not more than the percentage increase in the Consumer Price Index, contingent upon legislative appropriation. The bill also provides that provisions of the RFP relating to the cost savings required by the bill are not subject to challenge in a protest of the RFP specifications, notwithstanding the provisions of s. 120.57(3), F.S., regarding bid protests.

Each selected contractor must operate each correctional facility and assigned correctional unit at capacities set forth in s. 944.023, F.S., which is an existing statute that includes certain space and occupational requirements. Furthermore, each facility's ADP and medical and psychological grade population percentages are to remain substantially unchanged from the ADP for FY 2010-2011.

The bill requires the department to prepare and submit proposed budget revisions demonstrating the required 7% savings to the Legislative Budget Commission after the department has issued its notice of intent to award a contract, resolved any bid protests, and concluded negotiation of a contract with the successful bidder or bidders. After approval by the Legislative Budget Commission, the department must enter into a contract with the winning bidder or bidders.

The department is not required to comply with s. 216.023, F.S., which relates to LBRs, until after it is required to submit its LBR for the first fiscal year that begins after the privatization required by the bill is completely implemented. This exemption only applies with respect to services required to be privatized by the bill.

The bill provides that funds from canteens, subsistence payments, and other participating accounts at the correctional facilities must be remitted to the General Revenue Fund. This is the existing process for facilities that are operated by the department. However, in currently operating private facilities, these funds are required to be remitted to the Privately Operated Institutions Inmate Welfare Trust Fund pursuant to ss. 944.72 and 945.215, F.S. The bill specifies that those statutes will not apply to facilities operated pursuant to the requirements of the bill.

Additional Exceptions to Current Statutes

In addition to the exceptions previously addressed in this analysis, the bill makes the following existing statutes inapplicable to the RFP or RFPs or any contract that is authorized by its provisions:

- Section 944.105(1), F.S., authorizes the Department of Corrections to enter contracts with private vendors for the operation and maintenance of correctional facilities. This statute provides that contracts with private vendors for the operation and maintenance of correctional facilities must:
 - (a) Offer a substantial savings as determined by the department, with the calculation determined by certain factors set forth in the statute and calculated by the department in

- consultation with the Auditor General. As previously discussed, the bill requires a 7 percent cost savings and specifies the basis for calculating costs.
- (b) Provide for the same quality of services as that offered by the department.
Section 944.714(1), F.S., which would still be applicable, requires that the services must be at least equal to those provided by the department.
 - (c) Have a specific appropriation from the legislature.
 - Section 944.105(6), F.S., which:
 - (a) Specifies that the provisions of ss. 216.311 and 287.057, F.S. apply to all contracts between the department and any private vendor operating and managing correctional facilities. It is not necessary to state that these statutes apply because they apply to all procurements and contracts entered into by state agencies unless a specific exemption applies.
 - (b) Requires the department to promulgate rules pursuant to chapter 120 specifying criteria for such contracts. The bill gives the department the authority to make rules that are necessary to administer the provisions of the bill, but the department retains the discretion to determine whether its existing rules are adequate. In accordance with this approach, Section 2 of the bill repeals s. 944.719(1), F.S., which requires the department to adopt rules relating to privately operated correctional institutions.
 - Section 944.105(7), F.S., which relates to the certification and qualifications of correctional officers at privately operated correctional institutions. However, s. 944.714(2), F.S., would apply and requires all private correctional officers employed by a private vendor to be certified at the vendor's expense as having met the minimum qualifications for correctional officers that are set forth in s. 943.13, F.S.

Specified Contract Terms

The bill specifies certain terms that must be included in any contract resulting from the RFP. These are:

- A requirement for compliance with all applicable federal, state, and local laws and all rules adopted by the department.
- The requirement for 7% cost savings.
- Performance measures and levels of expected performance for the contractor. These are set forth in the bill, are the same as those currently used by the department for evaluation of its own operations and the same as the performance measures included in the proviso in the 2011-2012 General Appropriations Act. The contract must require the contractor to provide the department with information concerning each performance measure for each separate correctional facility and assigned correctional unit for each month, calendar quarter, and year during the contract term, in a format specified by the department. The bill includes performance measures that apply to all facilities, and specific, additional performance measures applicable only to work release centers. Also, the department can add other performance measures to those specified in the bill.

Additional Requirements

The bill requires the department to provide reports regarding contractor performance to the chairs of the legislative appropriations committees.

The bill also requires that current DOC employees at the correctional facilities being privatized be given first preference for continued employment by the contractor(s) selected as a result of the RFP(s) and the DOC must make reasonable efforts to find suitable job placements for those employees who wish to continue to be employed by the state. A similar provision is included in s. 287.0571(5), which applies to the privatization proposed in the bill and applied under the proviso contained in the 2011-2012 General Appropriations Act.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Approximately 3,800 correctional officers and other staff are employed by DOC in Region IV. As these facilities are turned over to a private company, it is likely that many of these employees will be hired by the company(s) awarded the contract(s). However, these positions are unlikely to have the same level of benefits as the current state positions. Correctional officers that seek to remain state employees may have opportunities to be reassigned to positions in other regions of the state.

C. Government Sector Impact:

The annual operating costs for the Region IV correctional facilities total approximately \$268 million. A 7 percent annual cost savings would generate over \$18 million in annual recurring savings. However, based on reported savings on the State's other private prison contracts, savings could be greater.

VI. Technical Deficiencies:

Lines 170 and 172 each include an extraneous "are" that should be deleted.

Lines 205-206 establish a performance measure for compliance by individuals “without contact orders.” This should be reworded to indicate that it measures compliance by individuals with “no-contact orders”.

VII. Related Issues:

None.

VIII. Additional Information:

- A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by the Rules Committee on January 23, 2012:

The committee substitute makes the following changes when compared to the bill as filed:

- Requires certification by FDLE of private correctional officers at the contractor’s expense under s. 943.1395, F.S., in accordance with the minimum qualifications for corrections officers established in s. 943.13, F.S. In addition, this change requires that all other employees of the contractor receive same quality and quantity of training provided to employees at state operated correctional facilities and that the training be provided at the contractor’s expense. This amendment inserts the text of s. 944.105(7), F.S., as a requirement for the contract between a private contractor and DOC.
- Corrects grammar with respect to several of the performance measures required to be included in a contract between the DOC and a contractor.
- Corrects technical deficiencies.

- B. Amendments:

None.



936944

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/25/2012	.	
	.	
	.	
	.	

The Committee on Budget (Negron) recommended the following:

Senate Amendment (with title amendment)

Delete lines 72 - 250

and insert:

(1) Notwithstanding s. 287.057(1)(b)1., the Department of Management Services, working with the Department of Corrections, shall, through the issuance of two or more requests for proposals, privatize the management and operation of all correctional facilities and assigned correctional units, including prisons, annexes, work camps, road prisons, and work release centers, which are operated by the Department of Management Services in the Southern Florida Region and located in Manatee, Hardee, Indian River, Okeechobee, Highlands, St.



936944

Lucie, DeSoto, Sarasota, Charlotte, Glades, Martin, Palm Beach, Hendry, Lee, Collier, Broward, Miami-Dade, and Monroe Counties, excluding the South Florida Reception Center and any correctional facility or assigned correctional unit that has been closed or scheduled for closure before June 30, 2012.

(2) The Department of Management Services shall issue its requests for proposals no later than 30 days after the effective date of this act. The Department of Management Services shall require that any proposal submitted in response to a request for proposals be submitted no later than 30 days after the issuance of the request for proposals. The Department of Management Services shall prepare the business case for the privatization required under this section, in accordance with s. 287.0571, prior to the issuance of the requests for proposals.

(3) Each request for proposals which is issued by the Department of Management Services must provide that the total cost of a responsive proposal to the state during the first year of the contract must result in actual cost savings to the state of at least 7 percent of the costs incurred by the state for the 2010-2011 fiscal year for the provision of the services at the correctional facilities and assigned correctional units included in the request for proposals. For each correctional facility and assigned correctional unit included in a request for proposals, the Department of Corrections shall determine and provide to the Department of Management Services the costs incurred by the state for the 2010-2011 fiscal year using the average daily population of each correctional facility and assigned correctional unit during the 2010-2011 fiscal year and the direct and distributed inmate per diem cost for each



936944

correctional facility and assigned correctional unit during the 2010-2011 fiscal year, reduced for the 3 percent retirement contribution now required by state employees under chapter 121, by inmate medical costs, and by the department's direct and personnel costs associated with inmate classification. The total costs to be incurred by the state in the second or subsequent years of the contract resulting from a request for proposals may increase annually by not more than the percentage change in the Consumer Price Index for All Urban Consumers, U.S. City Average, all items not seasonally adjusted or successor reports, for the preceding December as initially reported by the United States Department of Labor, Bureau of Labor Statistics; however, any such increase is contingent upon appropriation by the Legislature. Notwithstanding s. 120.57(3), the provisions in a request for proposals which relate to the cost savings required under this subsection are not subject to challenge in any protest of the specifications of the request for proposals.

(4) Each contractor selected as a result of a request for proposals must manage and operate each correctional facility and the assigned correctional unit at capacities set forth in s. 944.023.

(5) All activities regarding the classification of inmates shall remain under the Department of Corrections' supervision and direction as required by law. Each facility's average daily population, as well as medical and psychological grade population percentages, shall remain substantially unchanged from the average daily population calculated for the 2010-2011 fiscal year.

(6) Notwithstanding ss. 944.72 and 945.215, funds from



936944

canteens, subsistence payments, and any other participating accounts associated with or located at the correctional facilities and all assigned correctional units shall continue to be remitted to the General Revenue Fund.

(7) The provisions of ss. 944.105(1) and (7) and 944.719(2) do not apply to any request for proposals or contract authorized by this section. Section 216.023 does not apply to the Department of Corrections or the Department of Management Services with respect to the services required to be privatized under this section until the Department of Corrections is required to submit its legislative budget request for the first fiscal year that begins after the the privatization required under this section has been implemented.

(8) Any contract entered into by the Department of Management Services resulting from a request for proposals must:

(a) Require compliance with all applicable federal, state, and local laws and all rules adopted by the department.

(b) Require actual cost savings to the state of at least 7 percent of the costs incurred by the state for the 2010-2011 fiscal year for the provision of the required services at the correctional facilities and assigned correctional units included in the request for proposals.

(c) Be for a term not to exceed 5 years, which may be renewed as provided in s. 287.057.

(d) Require the selection and appointment of a full-time contract monitor. The contract monitor shall be appointed and supervised by the Department of Management Services. The contractor shall reimburse the Department of Management Services for the salary and expenses of the contract monitor. It is the



936944

obligation of the contractor to provide suitable office space for the contract monitor at the correctional facility. The contract monitor shall have unlimited access to the correctional facilities and assigned correctional units.

(e) Require the certification of private correctional officers pursuant to s. 943.1395 at the contractor's expense, and all such officers must meet the minimum qualifications established in s. 943.13. All other employees of the contractor who perform their duties at the private correctional facility shall, at a minimum, receive the same quality and quantity of training required by the state for employees of state-operated correctional facilities. All training expenses are the responsibility of the contractor. The Department of Corrections shall be the contributor and recipient of all criminal background information necessary for certification by the Criminal Justice Standards and Training Commission.

(f) Include specific performance measures and levels of expected performance for the contractor in order to ensure contractor performance and accountability, and require the contractor to provide the department with information concerning each performance measure for each separate correctional facility and assigned correctional unit for each month, calendar quarter, and year during the term of the contract, in the format specified by the department.

1. The required performance measures must include, but are not limited to:

a. The number of batteries committed by inmates on one or more persons per 1,000 inmates;

b. The number of inmates receiving major disciplinary



936944

reports per 1,000 inmates;

c. The percentage of random inmate drug tests that are negative;

d. The percentage of reported criminal incidents investigated by the proper authorities;

e. The number of escapes from the secure perimeter of major institutions;

f. The percentage of inmates placed in a facility that provides at least one of the inmate's primary program needs;

g. The number of transition plans completed for inmates who are released from prison;

h. The number of release plans completed for inmates who are released from prison;

i. The percentage of release plans completed for inmates who are released from prison;

j. The percentage of inmates who successfully complete drug abuse education or treatment programs;

k. The number of inmates who are receiving substance abuse services;

l. The percentage of inmates who complete mandatory literacy programs and who score at or above the 6th grade level on Tests of Adult Basic Education;

m. The percentage of inmates who successfully complete mandatory literacy programs;

n. The percentage of inmates who successfully complete education programs for the General Education Development (GED) test preparation;

o. The percentage of inmates needing special education programs who participate in special education programs in



936944

accordance with federal law;

p. The percentage of inmates who successfully complete vocational education programs;

q. The average increase in grade level achieved by inmates participating in education programs every 3-month instructional period; and

r. The percentage of inmates who successfully complete transition, rehabilitation, or support programs without subsequent recommitment to community supervision or prison for 24 months after release.

2. For work release centers, the required performance measures must also include, but are not limited to:

a. The percent of employment of supervised individuals;

b. The illegal substance use by supervised individuals;

c. The victim restitution paid by supervised individuals;

d. Compliance by supervised individuals with no-contact orders;

e. The number of serious incidents occurring at the facility; and

f. The number of absconders.

(9) The Department of Management Services shall provide reports to each chair of the legislative appropriations committees regarding the performance of each contractor which include, but are not limited to, information regarding each required performance measure in each contract resulting from the request for proposals for each contractor and for each correctional facility and assigned correctional unit.

(10) After the Department of Management Services has issued its notice of intent to award a contract, resolved any bid



936944

protests, and concluded negotiation of a contract resulting from the request for proposals, the Department of Corrections must prepare and submit to the Legislative Budget Commission proposed revisions to its operating budget which demonstrate the 7 percent savings required under subsection (3), which must be attained during the first year of the term of the contract.

(11) After approval by the Legislative Budget Commission, the Department of Management Services shall enter into a contract with one or more winning bidders.

(12) Each current Department of Corrections employee at the designated correctional facility and assigned correctional unit who is affected by the privatization must be given first preference for continued employment by the contractor selected as a result of a request for proposals. The Department of Corrections shall make reasonable efforts to find suitable job placements for employees who wish to continue to be employed by the state.

(13) The request for appropriation of funds to make payments pursuant to contracts entered into by the Department of Management Services for the operation and maintenance of the correctional facilities and assigned correctional units as authorized by this section shall be made by the Department of Management Services in a request to the Department of Corrections. The Department of Corrections shall include such request in its legislative budget request to the Legislature as a separately identified item and shall forward the request of the Department of Management Services without change. After an appropriation has been made by the Legislature to the Department of Corrections for the correctional facilities and assigned



936944

correctional units, the Department of Corrections shall have no
authority over such funds other than to pay from such
appropriation to the appropriate contractor such amounts as are
certified for payment by the Department of Management Services.

(14) The Department of Management Services and the
Department of Corrections may adopt rules as necessary to
administer this section.

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete lines 2 - 63

and insert:

An act relating to the privatization of correctional
facilities; creating s. 944.7115, F.S.; requiring that
the Department of Management Services, working with
the Department of Corrections, privatize the
management and operation of certain correctional
facilities and assigned correctional units; requiring
that the Department of Management Services issue two
or more requests for proposals; providing a timeframe
for proposals submitted in response to a request for
proposals; requiring the department to prepare a
business case for the privatization before issuing the
requests for proposals; providing certain cost-saving
requirements; requiring that the Department of
Corrections determine the costs incurred for the 2010-
2011 fiscal year for each correctional facility and
assigned correctional unit according to a specified
formula; limiting the costs to be incurred by the



936944

state in the second or subsequent contract years;
providing that the provisions in a request for
proposals which relate to cost savings are not subject
to challenge in any protest of the specifications of a
request for proposals; requiring that each contractor
selected as a result of a request for proposals manage
and operate the correctional facilities and all
assigned correctional units at certain capacities;
requiring that all activities regarding the
classification of inmates remain under the supervision
and direction of the Department of Corrections;
requiring that each facility's average daily
population and medical and psychological grade
population percentages remain unchanged from the
average daily population calculated for the 2010-2011
fiscal year; requiring that certain accounts
associated with the correctional facilities and
assigned correctional units continue to be remitted to
the General Revenue Fund; providing that certain
statutory provisions regarding contractual
arrangements with private entities for the operation
and maintenance of correctional facilities and the
certification of private correctional officers do not
apply to a request for proposals or a contract
authorized by the act; providing that s. 216.023,
F.S., regarding legislative budget requests furnished
to the Legislature, does not initially apply to the
Department of Corrections or the Department of
Management Services with respect to the services



936944

required to be privatized under the act; requiring the
appointment of a contract monitor; providing
requirements for the certification of private
correctional officers at the contractor's expense;
providing required performance measures for a contract
that results from a request for proposals; requiring
that the Department of Management Services provide
reports to the legislative appropriations committees
regarding the performance of each contractor;
requiring that the Department of Corrections prepare
and submit to the Legislative Budget Commission
proposed revisions to its operating budget; requiring
that the Department of Management Services enter into
a contract with one or more winning bidders after
approval by the Legislative Budget Commission;
requiring that current employees at each designated
correctional facility and assigned correctional unit
be given first preference for continued employment;
requiring that the Department of Corrections make
reasonable efforts for finding job placements for
employees who wish to continue to be employed by the
state; providing requirements for the request for
appropriation of funds; limiting the authority of the
Department of Corrections with respect to such
appropriation; authorizing the Department of
Management Services and the Department of Corrections
to adopt rules; providing



336188

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/25/2012	.	
	.	
	.	
	.	

The Committee on Budget (Margolis) recommended the following:

Senate Amendment to Amendment (936944)

Delete line 18
and insert:
been closed or scheduled for closure before June 30, 2012. This
subsection does not apply to nurses working for the department
in Region IV.



700034

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/25/2012	.	
	.	
	.	
	.	

The Committee on Budget (Negron) recommended the following:

Senate Amendment to Amendment (936944)

Between lines 178 and 179

insert:

(g) Require that any contract between the contractor and a union representing employees of the contractor at a correctional facility or assigned correctional unit must provide that the employees of the contractor do not have the right to strike.



841258

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
01/25/2012	.	
	.	
	.	
	.	

The Committee on Budget (Margolis) recommended the following:

Senate Amendment

Delete line 83
and insert:
been closed or scheduled for closure before June 30, 2012. This
subsection does not apply to health care services,
administration, and personnel.

Delete line 105
and insert:
employees under chapter 121 and by the



366890

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
01/25/2012	.	
	.	
	.	
	.	

The Committee on Budget (Margolis) recommended the following:

Senate Substitute for Amendment (841258)

Delete line 83
and insert:
been closed or scheduled for closure before June 30, 2012. This
subsection does not apply to nurses working for the department
in Region IV.



711576

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
01/25/2012	.	
	.	
	.	
	.	

The Committee on Budget (Margolis) recommended the following:

Senate Amendment

Delete line 131
and insert:
(7) The provisions of s. 944.105(1) and (7) do not



388554

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/25/2012	.	
	.	
	.	
	.	

The Committee on Budget (Negron) recommended the following:

Senate Amendment (with title amendment)

Between lines 221 and 222
insert:

(9) The contractor shall pay to the Department of Management Services the reasonable and direct costs, certified by the Department of Management Services and included in the contract, which are associated with the pursuit or apprehension of an escapee from a correctional facility and incurred by any state or local law enforcement agency while involved in the pursuit or apprehension of an escapee during the 48 hours after the inmate's escape.



388554

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Between lines 44 and 45

insert:

requiring that the contractor pay to the Department of
Management Services the reasonable and direct costs
associated with the pursuit or apprehension of an
escapee from a correctional facility and incurred by
any state or local law enforcement agency while
involved in the pursuit or apprehension of an escapee
during a specified period after the inmate's escape;



747188

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/25/2012	.	
	.	
	.	
	.	

The Committee on Budget (Thrasher) recommended the following:

Senate Amendment (with title amendment)

Between lines 221 and 222
insert:

(9) The contractor shall reimburse the state for the total cost of unused, accumulated leave actually paid by the state, in accordance with the law and policies in effect on January 1, 2012, to former employees of the Department of Corrections who were employed at the correctional facilities and assigned correctional units included in the contract during the pay period immediately prior to the date on which the contractor begins performance. The total amount that must be reimbursed may not exceed \$8 million under all contracts entered into pursuant



747188

to this section. The Department of Management Services shall
certify to the contractor the amount that must be reimbursed and
the contractor shall pay the reimbursement to the state no later
than 180 days after receipt of such certification.

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Between lines 44 and 45
insert:
requiring that the contractor reimburse the state for
the total cost of unused, accumulated leave actually
paid by the state to former employees of the
Department of Corrections who were employed at the
correctional facilities and assigned correctional
units; requiring that the Department of Management
Services certify to the contractor the amount that
must be reimbursed; requiring that the contractor pay
the reimbursement to the state within a specified
period after receiving the department's certification;



588388

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/25/2012	.	
	.	
	.	
	.	

The Committee on Budget (Gaetz) recommended the following:

Senate Amendment (with title amendment)

Between lines 221 and 222
insert:

(9) The contractor shall purchase services and supplies required for the operation and maintenance of the correctional facilities or assigned correctional units included in the contract from a subcontractor or supplier that is located in this state or that employs residents of this state if the costs of such services and supplies are equal to the cost of such services and supplies offered by a subcontractor or supplier that is not located in this state or that does not employ residents of this state; however, if the costs, terms, and



588388

conditions associated with the purchase of services and supplies
are not identical, the contractor may select the subcontractor
or supplier preferred by the contractor.

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Between lines 44 and 45

insert:

requiring that the contractor purchase services and
supplies for the operation and maintenance of the
correctional facilities or assigned correctional units
from a subcontractor or supplier that is located in
this state or that employs residents of this state
under certain circumstances; providing an exception;



144752

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/25/2012	.	
	.	
	.	
	.	

The Committee on Budget (Gaetz) recommended the following:

Senate Amendment (with title amendment)

Between lines 246 and 247

insert:

(13) The Department of Economic Opportunity shall expeditiously provide assistance and services to employees of the Department of Corrections who are not employed by the contractor or who do not continue employment with the Department of Corrections.

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete line 58



144752

and insert:

continue to be employed by the state; requiring that
the Department of Economic Opportunity expeditiously
provide assistance and services to employees of the
Department of Corrections who are not employed by the
contractor or who do not continue employment with the
Department of Corrections; authorizing the

By the Committees on Rules; and Rules

595-02202-12

20122038c1

1 A bill to be entitled
 2 An act relating to the privatization of correctional
 3 facilities; creating s. 944.7115, F.S.; requiring that
 4 the Department of Corrections privatize the management
 5 and operation of certain correctional facilities and
 6 assigned correctional units; requiring that the
 7 department issue one or more requests for proposals;
 8 providing a timeframe for proposals submitted in
 9 response to a request for proposals; providing certain
 10 cost-saving requirements for a request for proposals;
 11 requiring that the department determine the costs
 12 incurred for the 2010-2011 fiscal year for each
 13 correctional facility and assigned correctional unit
 14 according to a specified formula; limiting the costs
 15 to be incurred by the state in the second or
 16 subsequent contract years; providing that the
 17 provisions in a request for proposals which relate to
 18 cost savings are not subject to challenge in any
 19 protest of the specifications of a request for
 20 proposals; requiring that each contractor selected as
 21 a result of a request for proposals manage and operate
 22 the correctional facilities and all assigned
 23 correctional units at certain capacities; requiring
 24 that all activities regarding the classification of
 25 inmates remain under the department's supervision and
 26 direction; requiring that each facility's average
 27 daily population and medical and psychological grade
 28 population percentages remain unchanged from the
 29 average daily population calculated for the 2010-2011

Page 1 of 9

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

595-02202-12

20122038c1

30 fiscal year; requiring that certain participating
 31 accounts associated with the correctional facilities
 32 and assigned correctional units continue to be
 33 remitted to the General Revenue Fund; providing that
 34 certain statutory provisions regarding contractual
 35 arrangements with private entities for the operation
 36 and maintenance of correctional facilities and the
 37 certification of private correctional officers do not
 38 apply to a request for proposals or a contract
 39 authorized by the act; providing that s. 216.023,
 40 F.S., regarding legislative budget requests furnished
 41 to the Legislature, does not initially apply to the
 42 department with respect to the services required to be
 43 privatized under the act; providing requirements for a
 44 contract that results from a request for proposals;
 45 requiring that the department provide reports to the
 46 legislative appropriations committees regarding the
 47 performance of each contractor; requiring that the
 48 department prepare and submit to the Legislative
 49 Budget Commission proposed revisions to its operating
 50 budget; requiring that the department enter into a
 51 contract with one or more winning bidders after
 52 approval by the Legislative Budget Commission;
 53 requiring that current employees at each designated
 54 correctional facility and assigned correctional unit
 55 be given first preference for continued employment;
 56 requiring that the department make reasonable efforts
 57 for finding job placements for employees who wish to
 58 continue to be employed by the state; authorizing the

Page 2 of 9

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

595-02202-12 20122038c1

department to adopt rules; repealing s. 944.719(1),
F.S., relating to the adoption of rules by the
Department of Corrections regarding contractual
arrangements and standards for the operation of
correctional facilities by private vendors; providing
an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 944.7115, Florida Statutes, is created
to read:

944.7115 Department of Corrections; Southern Florida
Region; privatization of correctional facilities.-

(1) Notwithstanding s. 287.057(1)(b)1., the department
shall, through the issuance of one or more requests for
proposals, privatize the management and operation of all
correctional facilities and assigned correctional units,
including prisons, annexes, work camps, road prisons, and work
release centers, which are operated by the department in the
Southern Florida Region and located in Manatee, Hardee, Indian
River, Okeechobee, Highlands, St. Lucie, DeSoto, Sarasota,
Charlotte, Glades, Martin, Palm Beach, Hendry, Lee, Collier,
Broward, Miami-Dade, and Monroe Counties, excluding any
correctional facility or assigned correctional unit that has
been closed or scheduled for closure before June 30, 2012.

(2) The department shall issue its request for proposals no
later than 30 days after the effective date of this act. The
department shall require that any proposal submitted in response
to a request for proposals be submitted no later than 30 days

595-02202-12 20122038c1

after the issuance of the request for proposals.

(3) Each request for proposals which is issued by the
department must provide that the total cost of a responsive
proposal to the department during the first year of the contract
must result in actual cost savings to the state of at least 7
percent of the costs incurred by the state for the 2010-2011
fiscal year for the provision of the services at the
correctional facilities and assigned correctional units included
in the request for proposals. For each correctional facility and
assigned correctional unit included in a request for proposals,
the department shall determine the costs incurred by the state
for the 2010-2011 fiscal year using the average daily population
of each correctional facility and assigned correctional unit
during the 2010-2011 fiscal year and the direct and distributed
inmate per diem cost for each correctional facility and assigned
correctional unit during the 2010-2011 fiscal year, reduced for
the 3 percent retirement contribution now required by state
employees under chapter 121, by inmate medical costs, and by the
department's direct and personnel costs associated with inmate
classification. The total costs to be incurred by the state in
the second or subsequent years of the contract resulting from
the request for proposals may increase by not more than the
percentage increase in the Consumer Price Index; however, any
such increase is contingent upon appropriation by the
Legislature. Notwithstanding s. 120.57(3), the provisions in a
request for proposals which relate to the cost savings required
under this subsection are not subject to challenge in any
protest of the specifications of the request for proposals.

(4) Each contractor selected as a result of a request for

595-02202-12 20122038c1

proposals must manage and operate each correctional facility and the assigned correctional unit at capacities set forth in s. 944.023.

(5) All activities regarding the classification of inmates shall remain under the department's supervision and direction as required by law. Each facility's average daily population, as well as medical and psychological grade population percentages, shall remain substantially unchanged from the average daily population calculated for the 2010-2011 fiscal year.

(6) Notwithstanding ss. 944.72 and 945.215, funds from canteens, subsistence payments, and any other participating accounts associated with or located at the correctional facilities and all assigned correctional units shall continue to be remitted to the General Revenue Fund.

(7) The provisions of s. 944.105(1), (6), and (7) do not apply to any request for proposals or contract authorized by this section. Section 216.023 does not apply to the department with respect to the services required to be privatized under this section until the department is required to submit its legislative budget request for the first fiscal year that begins after the department completely implements the privatization required under this section.

(8) Any contract resulting from a request for proposals must:

(a) Require compliance with all applicable federal, state, and local laws and all rules adopted by the department.

(b) Require actual cost savings to the state of at least 7 percent of the costs incurred by the state for the 2010-2011 fiscal year for the provision of the required services at the

595-02202-12 20122038c1

correctional facilities and assigned correctional units included in the request for proposals.

(c) Require the certification of private correctional officers pursuant to s. 943.1395 at the contractor's expense, and all such officers must meet the minimum qualifications established in s. 943.13. All other employees of the contractor who perform their duties at the private correctional facility shall, at a minimum, receive the same quality and quantity of training required by the state for employees of state-operated correctional facilities. All training expenses are the responsibility of the contractor. The department shall be the contributor and recipient of all criminal background information necessary for certification by the Criminal Justice Standards and Training Commission.

(d) Include specific performance measures and levels of expected performance for the contractor in order to ensure contractor performance and accountability, and require the contractor to provide the department with information concerning each performance measure for each separate correctional facility and assigned correctional unit for each month, calendar quarter, and year during the term of the contract, in the format specified by the department.

1. The required performance measures must include, but are not limited to:

a. The number of batteries committed by inmates on one or more persons per 1,000 inmates;

b. The number of inmates receiving major disciplinary reports per 1,000 inmates;

c. The percentage of random inmate drug tests that are

595-02202-12 20122038c1

- 175 negative;
 176 d. The percentage of reported criminal incidents
 177 investigated by the proper authorities;
 178 e. The number of escapes from the secure perimeter of major
 179 institutions;
 180 f. The percentage of inmates placed in a facility that
 181 provides at least one of the inmate's primary program needs;
 182 g. The number of transition plans completed for inmates who
 183 are released from prison;
 184 h. The number of release plans completed for inmates who
 185 are released from prison;
 186 i. The percentage of release plans completed for inmates
 187 who are released from prison;
 188 j. The percentage of inmates who successfully complete drug
 189 abuse education or treatment programs;
 190 k. The number of inmates who are receiving substance abuse
 191 services;
 192 l. The percentage of inmates who complete mandatory
 193 literacy programs and who score at or above the 6th grade level
 194 on Tests of Adult Basic Education;
 195 m. The percentage of inmates who successfully complete
 196 mandatory literacy programs;
 197 n. The percentage of inmates who successfully complete
 198 education programs for the General Education Development (GED)
 199 test preparation;
 200 o. The percentage of inmates needing special education
 201 programs who participate in special education programs in
 202 accordance with federal law;
 203 p. The percentage of inmates who successfully complete

595-02202-12 20122038c1

- 204 vocational education programs;
 205 g. The average increase in grade level achieved by inmates
 206 participating in education programs every 3-month instructional
 207 period; and
 208 r. The percentage of inmates who successfully complete
 209 transition, rehabilitation, or support programs without
 210 subsequent recommitment to community supervision or prison for
 211 24 months after release.
 212 2. For work release centers, the required performance
 213 measures must also include, but are not limited to:
 214 a. The percent of employment of supervised individuals;
 215 b. The illegal substance use by supervised individuals;
 216 c. The victim restitution paid by supervised individuals;
 217 d. Compliance by supervised individuals with no-contact
 218 orders;
 219 e. The number of serious incidents occurring at the
 220 facility; and
 221 f. The number of absconders.
 222 (9) The department shall provide reports to each chair of
 223 the legislative appropriations committees regarding the
 224 performance of each contractor which include, but are not
 225 limited to, information regarding each required performance
 226 measure in each contract resulting from the request for
 227 proposals for each contractor and for each correctional facility
 228 and assigned correctional unit.
 229 (10) After the department has issued its notice of intent
 230 to award a contract, resolved any bid protests, and concluded
 231 negotiation of a contract resulting from the request for
 232 proposals, the department must prepare and submit to the

595-02202-12 20122038c1

233 Legislative Budget Commission proposed revisions to its
234 operating budget which demonstrate the 7 percent savings
235 required under subsection (3), which must be attained during the
236 first year of the term of the contract.

237 (11) After approval by the Legislative Budget Commission,
238 the department shall enter into a contract with one or more
239 winning bidders.

240 (12) Each current department employee at the designated
241 correctional facility and assigned correctional unit who is
242 affected by the privatization must be given first preference for
243 continued employment by the contractor selected as a result of a
244 request for proposals. The department shall make reasonable
245 efforts to find suitable job placements for employees who wish
246 to continue to be employed by the state.

247 (13) The department may adopt rules as necessary to
248 administer this section.

249 Section 2. Subsection (1) of section 944.719, Florida
250 Statutes, is repealed.

251 Section 3. This act shall take effect upon becoming a law.

THE FLORIDA SENATE

APPEARANCE RECORD

1/25/2012

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date

Topic Against Privatization of Prisons

Bill Number 2036 / 2038
(if applicable)

Name John Rath, Jr

Amendment Barcode _____
(if applicable)

Job Title Public Policy Coordinator, SEIU Local 1991

Address 18441 NW 2d Av, #502

Phone 305 6108855

Street

Miami Gardens
City State Zip

E-mail john@seiu1991.org

Speaking: ☐ For ☒ Against ☐ Information

Representing SEIU Healthcare Local 1991

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/25/12
Meeting Date

Topic Privatization

Bill Number 2036, 2038
(if applicable)

Name Sarah J. Babiniaux

Amendment Barcode _____
(if applicable)

Job Title Correctional Officer

Address 200 S.W. Allapattah Rd #10
Street
Indian town FL 34956
City State Zip

Phone 772-486-6779

E-mail hipchik71@yahoo.com

Speaking: ☐ For ☒ Against ☐ Information

Representing Self.

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-25-12

Meeting Date

Topic Prioritization Bill Number 2036 & 2038
(if applicable)
Name ART Kimbrough Amendment Barcode _____
(if applicable)
Job Title President/CEO Jackson County Chamber of Commerce
Address 24318 Lafayette St. Phone 850-209-4866
Street
Maricopa, FL 32446 E-mail art@jacksoncounty.com
City State Zip

Speaking: ☐ For ☐ Against ☒ Information

Representing JACKSON COUNTY CHAMBER

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/25/12
Meeting Date

Topic Privatization

Bill Number 2036 + 2038
(if applicable)

Name Doug Martin

Amendment Barcode
(if applicable)

Job Title Legislative Dir.

Address 3064 Highland Oaks Terr.
Street
Tallahassee, FL 32307
City State Zip

Phone 850-212-7447

E-mail dmartin@afscme.org

Speaking: ☐ For ☒ Against ☐ Information

Representing AFSCME Florida Council 79

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-25-12
Meeting Date

Topic Privatization

Bill Number 2036 & 2038
(if applicable)

Name Michael Riley

Amendment Barcode _____
(if applicable)

Job Title C.O. Captain

Address 123 Huron St.
Street

Phone 352-235-6323

Hollister FL 32147
City State Zip

E-mail _____

Speaking: ☐ For ☒ Against ☐ Information

Representing Self

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

11/25/2012
Meeting Date

Topic PRISON PRIVATIZATION

Bill Number 2036/2038
(if applicable)

Name TIFFANY KENNEDY

Amendment Barcode _____
(if applicable)

Job Title CORRECTIONAL OFFICER

Address 14219 SW 48TH AVE RD
Street

Phone 952-426-3669

DECAT FL 33473
City State Zip

E-mail TKENNEDY@CFAHAWKS.COM

Speaking: ☐ For ☒ Against ☐ Information

Representing SELF

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/25/12

Meeting Date

Topic PRIVATIZATION

Bill Number SB 2036, 2038
(if applicable)

Name DON PEACE

Amendment Barcode _____
(if applicable)

Job Title TEACHER

Address 6735 TEMPLE AVE
Street

Phone 727-847-6775

NEW PORT RICHEY FL 34653
City State Zip

E-mail dpax221@hotmail.com

Speaking: ☐ For ☒ Against ☐ Information

Representing Member of U.S.E.P. - AFT 3600 AFL-CIO

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

11/25/12

Meeting Date

Topic Outsourcing or Privatization of Agency Functions

Bill Number 2036 2038
(if applicable)

Name Ana Hinrichs

Amendment Barcode _____
(if applicable)

Job Title ESOL Inst. Assistant K-5

Address 4201 Chase Dr.

Phone 813-778-1543

Street

Wesley Chapel FL 33543

City

State

Zip

E-mail ana50fed@aol.com

Speaking: ☐ For ☒ Against ☐ Information

Representing Members of USEP AFT

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

11/25/12

Meeting Date

Topic Outsourcing or Privatization of Agency Bill Number 2036 2038
(if applicable)
Name LISA MAZZA Amendment Barcode _____
(if applicable)
Job Title Grade 3 Teacher Pasco County
Address 37213 Price Drive Phone 813-770-9223
Street
Zephyrhills FL 33541
City State Zip
Speaking: ☐ For ☒ Against ☐ Information
Representing member of USEP AFT
Appearing at request of Chair: ☐ Yes ☒ No Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/25/12
Meeting Date

Topic OUTSOURCING / PRIVATIZING of Agency

Bill Number SB 2036 / 2038
(if applicable)

Name GLYND A LINTON

Amendment Barcode _____
(if applicable)

Job Title Author

Address 1 SW 58 Ave
Plantation, FL 33317
City State Zip

Phone 954-648-5571

E-mail glynda-linton@yahoo.com

Speaking: ☐ For ☒ Against ☐ Information

Representing Self

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-25-12
Meeting Date

Topic Outsourcing or Privatization of Agency Privatization of Correctional Facilities Bill Number SB 2036 / SB 2038
(if applicable)

Name Gayle Roberts Amendment Barcode _____
(if applicable)

Job Title Food & Nutrition Manager

Address 2265 S.W. 33 Way
Street
Ft. Lauderdale FL 33312
City State Zip

Phone 954-683-7312

E-mail gayle.roberts@broward
schools.com

Speaking: ☐ For ☒ Against ☐ Information

Representing Self

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-25-2012

Meeting Date

Topic Privatization of Public entities

Bill Number 2036/2038

(if applicable)

Name T J Williams

Amendment Barcode _____

(if applicable)

Job Title HVAC/Refrigeration Journeyman Mechanic

Address 281 OLD HAWTHORNE RD

Street

Phone (352) 481-4467

Hawthorne

City

FL

State

32640

Zip

E-mail _____

Speaking: ☐ For ☒ Against ☐ Information

Representing Self

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date _____

Topic Privatization

Bill Number 2038
(if applicable)

Name Lisa Henning

Amendment Barcode _____
(if applicable)

Job Title Director Legislative Affairs

Address 242 Office Plaza Dr.

Phone 850-766-8808

~~Street~~
Tallahassee
City State Zip

E-mail _____

Speaking: ☐ For ☒ Against ☐ Information

Representing Fraternal Order of Police

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/25/12

Meeting Date

Topic Privatization

Bill Number 2038
(if applicable)

Name Kayshelia Robinson

Amendment Barcode _____
(if applicable)

Job Title Correctional Officer

Address 325 Elliott Drive

Phone 850-241-4340

Monticello, Fla. 32344
City State Zip

E-mail _____

Speaking: ☐ For ☒ Against ☐ Information

Representing Self

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-25-12
Meeting Date

Topic Privatization

Bill Number SB 2038
(if applicable)

Name Annie Edwards

Amendment Barcode _____
(if applicable)

Job Title Jefferson CF

Address P.O. Box 367

Phone 850-973-6984

Madison FL 32341
City State Zip

E-mail _____

Speaking: ☐ For ☒ Against ☐ Information

Representing Self

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date

Topic PRIVATEZATION OF PRISONS Bill Number 2038
(if applicable)

Name DAN OLIVER Amendment Barcode _____
(if applicable)

Job Title MAINTENANCE TECH

Address 15137 WILLOWOOD LN Phone 352-263-9842
Street
BROOKSVILLE FL 34604 E-mail DAN.UNION155@GMAIL
City State Zip

Speaking: ☐ For ☒ Against ☐ Information

Representing TEAMSTERS LOCAL 79 - TAMPA FL

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/25/12

Meeting Date

Topic PRIVATIZATION - CORRECTIONAL FACILITIES

Bill Number 2038
(if applicable)

Name CONG. LARRY SMITH

Amendment Barcode _____
(if applicable)

Job Title LOBBYIST

Address 3109 GIRLING RD FORT LAUD. FL
Street

Phone 954 964-6634

City _____ State _____ Zip 33312

E-mail CONG15@NORMAL.COM

Speaking: ☐ For ☒ Against ☐ Information

Representing FRANKLIN COUNTY ARL/CIO

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date _____

Topic Privatization of Correctional

Bill Number SB 2038
(if applicable)

Name Facilities Carmella Blitch

Amendment Barcode _____
(if applicable)

Job Title Public Relations Mgr

Address Po Box 813

Phone _____

Street

Quincy Fl 32353

City

State

Zip

E-mail _____

Speaking: ☐ For ☒ Against ☐ Information

Representing SELF

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/25/12

Meeting Date

Topic PRIVATIZATION OF CORRECTIONAL FACILITIES Bill Number 2038
(if applicable)

Name KURT VROMAN Amendment Barcode _____
(if applicable)

Job Title 9TH DISTRICT VICE-PRESIDENT

Address 345 W MADISON ST Phone 386 235-6765

Street

TALLAHASSEE

FL

City

State

Zip

E-mail KURT.VRO@YAHOO.COM

Speaking: ☐ For ☒ Against ☐ Information

Representing FLORIDA PROFESSIONAL FIRE FIGHTERS

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/25/2012
Meeting Date

Topic PRIVATIZATION

Bill Number 2038
(if applicable)

Name GAIL MARIE PERRY

Amendment Barcode _____
(if applicable)

Job Title CHAIR

Address PO Box 1766
Street
POMPANO BEACH FL 33061
City State Zip

Phone 954/850-4055

E-mail workingfolk
@hotmail.com

Speaking: ☐ For ☒ Against ☐ Information

Representing CWA

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/25/2012
Meeting Date

Topic PRIVATIZATION

Bill Number 2038/2036
(if applicable)

Name HENRY KELLEY

Amendment Barcode _____
(if applicable)

Job Title TEA PARTY NETWORK

Address 344 OAKLAND CIR
Street

Phone 850 371 0089

FORT WALTON FL 32548
City State Zip

E-mail legislative@fwbteaparty.com

Speaking: ☐ For ☐ Against ☒ Information

Representing _____

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Jan 25, 2012
Meeting Date

Topic Prison Privatization Bill Number 2038
(if applicable)

Name Robert Weissert ("Why-cert") Amendment Barcode _____
(if applicable)

Job Title Vice President for Research & General Counsel for Florida Tax Watch

Address 106 N. Brunswick St Phone _____
Street

Tallahassee FL 32307 E-mail _____
City State Zip

Speaking: ☐ For ☐ Against ☒ Information

Representing Florida Tax Watch

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/23/12

Meeting Date

Topic Prisons

Bill Number SB 2038
(if applicable)

Name Rich Templin

Amendment Barcode _____
(if applicable)

Job Title _____

Address 135 S. Monroe
Street
Tallahassee FL 32301
City State Zip

Phone _____

E-mail _____

Speaking: ☐ For ☒ Against ☐ Information

Representing Florida AFL-CIO

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

JAN 25, 2012

Meeting Date

Topic PRIVATIZATION SAVINGS CALCULATION

Bill Number 2038

(if applicable)

Name PHIL CALANDRA

Amendment Barcode _____

(if applicable)

Job Title _____

Address 713 BROCK ROAD

Phone 850 997 2694

Street

MONTICELLO FL 32344

City

State

Zip

Speaking: ☒ QUALIFIED For ☒ Against

☐ Information

E-mail FLPJC@Yahoo.com

Representing CITIZEN

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

Meeting Date

Topic

Bill Number

Name

Amendment Barcode

Job Title

Address

Street

Phone

City

State

Zip

E-mail

Speaking:

☐ For

☐ Against

 Information

Representing

Appearing at request of Chair:

☐ Yes☐ No

Lobbyist registered with Legislature:

☐ Yes☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

11/25/12

Meeting Date

Topic DO L Privatization

Bill Number 2038
(if applicable)

Name Steve Ferst

Amendment Barcode _____
(if applicable)

Job Title Chief of staff

Address 501 Carlton

Phone 717-3922

Street

Tull 32399

City

State

Zip

E-mail _____

Speaking: ☐ For ☐ Against ☒ Information

Representing Dept Corrections

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date

Topic PRISON PRIVATIZATION

Bill Number 2038
(if applicable)

Name THOMAS RICE

Amendment Barcode
(if applicable)

Job Title CORRECTIONAL OFFICER - SGT

Address 4087 NW CR 125

Phone 769-9175

Street

LAUNCEY

FL

32058

City

State

Zip

E-mail

Speaking: ☐ For ☒ Against ☐ Information

Representing SELF

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/25/12

Meeting Date

Topic Prison Privatization

Bill Number 2038

(if applicable)

Name Thomas Johnson

Amendment Barcode _____

(if applicable)

Job Title Sergeant

Address Po Box 518

Street

Sparta

City

FL

State

32192

Zip

Phone 352 840 0449

E-mail Tom 3325@earthlink.net

Speaking: ☐ For ☒ Against ☐ Information

Representing Self

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

11 25 12

Meeting Date

Topic Privatization of Prisons

Bill Number 2038
(if applicable)

Name Mike Schwartz

Amendment Barcode _____
(if applicable)

Job Title Corrections Off

Address 1888 Chairs Cross Rd.

Phone _____

Street

Tallahassee FL

City

State

Zip

E-mail MWSchwartz6@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

Representing _____

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/25/12

Meeting Date

Topic Privatization of Prisons

Bill Number 2038

(if applicable)

Name David Williams

Amendment Barcode _____

(if applicable)

Job Title C/O

Address 3566 South Jefferson St

Phone (888) 524-0126

Street

Monticello

FL

32344

City

State

Zip

E-mail _____

Speaking: ☐ For ☒ Against ☐ Information

Representing myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

11/25/12

Meeting Date

Topic Privatization of prisons

Bill Number 2038
(if applicable)

Name William A Carpenter

Amendment Barcode _____
(if applicable)

Job Title Sergeant

Address 1030 SE 28th St
Street

Phone 352-857-6506

Ocala FL 34411
City State Zip

E-mail bmrmom2@aol.com

Speaking: ☐ For ☒ Against ☐ Information

Representing Self and community

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-28-12

Meeting Date

Topic Prison Privatization

Bill Number 2038

(if applicable)

Name Michael Hunter

Amendment Barcode

(if applicable)

Job Title Correctional Officer

Address 231 SW ORCHARD TERR.

Street

Lake City

City

FL

State

32025

Zip

Phone 954-610-4917

E-mail

Speaking:

☐

For

☒

Against

☐

Information

Representing myself

Appearing at request of Chair:

☐

Yes

☒

No

Lobbyist registered with Legislature:

☐

Yes

☒

No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-25-12
Meeting Date

Topic Prison Privatizing

Bill Number 2038
(if applicable)

Name Miguel Gonzalez

Amendment Barcode _____
(if applicable)

Job Title Organizer

Address 15802 Glenora Dr
Street

Phone (813) 990-9128

Tampa FL 33618
City State Zip

E-mail _____

Speaking: ☐ For ☒ Against ☐ Information

Representing Self

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-25-12

Meeting Date

Topic Privatization

Bill Number 2038
(if applicable)

Name WILLIAM C.F. MUSE

Amendment Barcode _____
(if applicable)

Job Title RETIRED - Doc

Address 10453 SW 66TH AVE.

Phone (352)-468-2728

Street

HAMPTON

City

FL.

State

32044

Zip

E-mail WMUSE2011@YAHOO.COM

Speaking: ☐ For ☒ Against ☐ Information

Representing SELF

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/25/12

Meeting Date

Topic Privatization

Bill Number 2038
(if applicable)

Name Nicole Hunter

Amendment Barcode _____
(if applicable)

Job Title _____

Address 231 SW Orchid Terrace

Phone 954-856-4378

Street

Lake City FL 32025

City

State

Zip

E-mail Gracie4347@aol.com

Speaking: ☐ For ☒ Against ☐ Information

Representing Self

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-25-12
Meeting Date

Topic PRISON PRIVATIZATION

Bill Number 2038
(if applicable)

Name PENNY REEDER

Amendment Barcode _____
(if applicable)

Job Title CD FLA. STATE PRISON

Address 2847 S.E. 113TH WAY
Street

Phone 904-364-6340

STARKE F 32091
City State Zip

E-mail mudpuppy4950@yahoo.com

Speaking: ☐ For ☒ Against ☐ Information

Representing SELF

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-25-12

Meeting Date

Topic Privatization

Bill Number 2038
(if applicable)

Name Shawn Andrews

Amendment Barcode _____
(if applicable)

Job Title Correction Officer

Address 303 North Dellview
Street

Phone 850 528-4415

Tallahassee FL 32303
City State Zip

E-mail _____

Speaking: ☐ For ☒ Against ☐ Information

Representing Self

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date

Topic PRIVATIZATION

Bill Number SB 2038
(if applicable)

Name CHARLES A. KOHN

Amendment Barcode
(if applicable)

Job Title

Address 715 PLAZA DR
Street
ATLANTIC BCH., FL 32233-3907
City State Zip

Phone 904-859-3852

E-mail

Speaking: ☐ For ☒ Against ☐ Information

Representing Self

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date _____

Topic Prison Privatization

Bill Number 2028
(if applicable)

Name Ray Johnson

Amendment Barcode _____
(if applicable)

Job Title ST

Address 10260 WE 211 N

Phone _____

Street

FT Meley
City

FL
State

32134
Zip

E-mail _____

Speaking: ☐ For ☒ Against ☐ Information

Representing SELF

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/25/12
Meeting Date

Topic Prison Privatization/Closures

Bill Number 2038
(if applicable)

Name Teresa Yacovoni

Amendment Barcode _____
(if applicable)

Job Title Sergeant

Address 3151 Blanding Blvd
Street
Middleburg FL 32068
City State Zip

Phone 904-291-5734

E-mail teresa-kirkland@yahoo.com

Speaking: ☐ For ☒ Against ☐ Information

Representing Self

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

6-25-12

Meeting Date

Topic _____

Bill Number 2038
(if applicable)

Name JOHN WHITE

Amendment Barcode _____
(if applicable)

Job Title CORRECTION OFFICER

Address P.O. Bx 184
Street

Phone 850-373-8301

Bonifay FLORIDA 32425
City State Zip

E-mail _____

Speaking: ☐ For ☒ Against ☐ Information

Representing _____

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date _____

Topic Prison Privatization

Bill Number 2038
(if applicable)

Name Flores Pamela A.

Amendment Barcode _____
(if applicable)

Job Title Correctional Officer

Address 5212 Ray street

Phone 850 737 0914

Baker FL 32531
City State Zip

E-mail _____

Speaking: ☐ For ☒ Against ☐ Information

Representing _____

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/25/12
Meeting Date

Topic Privatization of Prisons

Bill Number 2038
(if applicable)

Name Anth

Amendment Barcode _____
(if applicable)

Job Title Correctional officer

Address 4003 Summit Dr
Street

Phone _____

Tallahassee FL 32303
City State Zip

E-mail _____

Speaking: ☐ For ☒ Against ☐ Information

Representing Self

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

01-25-12
Meeting Date

Topic Privatization

Bill Number 2038
(if applicable)

Name Loggins Jerry

Amendment Barcode _____
(if applicable)

Job Title Lt.

Address 625 East Palmer Mills Road
Street
Monticello Fla 32344
City State Zip

Phone _____

E-mail _____

Speaking: ☐ For ☒ Against ☐ Information

Representing Self

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date

Topic Prison Privatization

Bill Number 2038
(if applicable)

Name Melanie Rice

Amendment Barcode
(if applicable)

Job Title Correctional Officer Sgt.

Address 4087 N.W. CR 125
Street
Leicester FL 32058
City State Zip

Phone 904-769-9551

E-mail

Speaking: ☐ For ☒ Against ☐ Information

Representing self

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-25-12

Meeting Date

Topic J.C.I. / Privatization

Bill Number 2038
(if applicable)

Name Lois A. Hunter

Amendment Barcode _____
(if applicable)

Job Title TAX Collector

Address 500 W Walnut

Phone 850-342-0147

Street

Monticello Fla 32304

City

State

Zip

E-mail _____

Speaking: ☐ For ☒ Against ☐ Information

Representing _____

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-25-12

Meeting Date

Topic PRISON PRIVATIZATION

Bill Number 2038
(if applicable)

Name ANTHONY MARCIANO

Amendment Barcode _____
(if applicable)

Job Title SERGEANT BROWARD SHERIFF'S OFFICE

Address 1531 NW 27TH AVE

Phone 954-632-6878

POMPANO BEACH FL. 33069
City State Zip

E-mail _____

Speaking: ☐ For ☒ Against ☐ Information

Representing MYSELF

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-25-12
Meeting Date

Topic Prison Privatization

Bill Number 2038
(if applicable)

Name Ken Williams

Amendment Barcode _____
(if applicable)

Job Title DRIVER

Address 7411 Meadow Drive
Street
Tampa FL 33634
City State Zip

Phone 813-886-1753

E-mail _____

Speaking: ☐ For ☒ Against ☐ Information

Representing myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-25-12

Meeting Date

Topic PRISON PRIVATIZATION

Bill Number 2038
(if applicable)

Name LARRY DUPREE

Amendment Barcode _____
(if applicable)

Job Title _____

Address 8301 N. RIVER HIGHLANDS PL.
Street
TAMPA FL 33617
City State Zip

Phone 813-984 8828

E-mail _____

Speaking: ☐ For ☒ Against ☐ Information

Representing _____

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/25/12
Meeting Date

Topic BUDGET PRIVATIZATION Bill Number 2038
Name VINSON CARITHERS III Amendment Barcode _____ (if applicable)
Job Title TEACHER (if applicable)

Address 2605 TROPIC BLVD. Phone 772-979-6710
Street
City FT. PIERCE, FL. State FL. Zip 34946
E-mail VINSONCARITHERS@COMCAST.NET

Speaking: ☐ For ☒ Against ☐ Information

Representing AFL-CIO, FEA, NEA, CTA

Appearing at request of Chair: ☐ Yes ☒ No Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-25-12

Meeting Date

Topic Privatization of Correctional Facilities

Bill Number SB 2038
(if applicable)

Name Frank Young

Amendment Barcode _____
(if applicable)

Job Title _____

Address 9109 Jennifer Blvd.
Street

Phone 904535-0199

Jacksonville Fla 32222
City State Zip

E-mail _____

Speaking: ☐ For ☒ Against ☐ Information

Representing Self

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/25/12
Meeting Date

Topic state nurses

Bill Number S.B. 2038
(if applicable)

Name Jose Diaz

Amendment Barcode 841258
(if applicable)

Job Title Lobbyist

Address 780 N.E. 69 St
Street

Phone 850-681-0254

Miami FL 33138
City State Zip

E-mail jdiazj@aol.com

Speaking: ☒ For ☐ Against ☐ Information

Representing FL Nurses Association

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/25/12
Meeting Date

Topic Prison Privatization

Bill Number 2038
(if applicable)

Name Dina Bellows-Levine

Amendment Barcode _____
(if applicable)

Job Title CPA

Address 130 S. University Dr Suite B
Street

Phone 954-838-7000

City

State

Zip

Speaking: ☐ For ☒ Against ☒ Information

E-mail _____

Representing _____

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-25-12

Meeting Date

Topic Prison Privatization

Bill Number 2038
(if applicable)

Name Bob B. Paynter

Amendment Barcode _____
(if applicable)

Job Title Researcher / Journalist

Address 17438 Cifton Blvd
Street

Phone 330-329-8295

Lakewood OH
City State Zip

E-mail _____

Speaking: ☐ For ☒ Against ☒ Information

Representing Policy Matters Ohio

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/25/12
Meeting Date

Topic PRISON PRIVATIZATION

Bill Number 2038
(if applicable)

Name Ron Silver

Amendment Barcode _____
(if applicable)

Job Title _____

Address 2031 NE 209 ST
Street
MIAMI FL 33179
City State Zip

Phone 305-502-1199

E-mail RSILVER378@AOL.COM

Speaking: ☐ For ☒ Against ☐ Information

Representing TEAMSTERS

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/25/2012

Meeting Date

Topic Privatization

Bill Number 2030
(if applicable)

Name STEVE MEARS

Amendment Barcode _____
(if applicable)

Job Title FORMER CORRECTIONAL OFFICER

Address P.O. Box 961

Phone 813 9563875

Blountstown FL 32424
City State Zip

E-mail _____

Speaking: ☐ For ☒ Against ☐ Information

Representing _____

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/25/2012

Meeting Date

Topic _____

Bill Number 2038
(if applicable)

Name Leticia M Adams

Amendment Barcode _____
(if applicable)

Job Title Director of Infrastructure & Governance Policy

Address 136 South Bronough Street

Phone 850-521-1279

Street

Tallahassee

FL

32301

City

State

Zip

E-mail ladams@flchamber.com

Speaking: ☒ For ☐ Against ☐ Information

Representing Florida Chamber of Commerce

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-25-2012
Meeting Date

Topic Privatization

Bill Number 2038
(if applicable)

Name Barry G. Graham

Amendment Barcode _____
(if applicable)

Job Title Correctional officer Sgt

Address 1534 Piney Woods Rd
Street
Monticello FL 32344
City State Zip

Phone 850-342-3449

E-mail Graham1021@
embarrasmail.com

Speaking: ☐ For ☒ Against ☐ Information

Representing Self

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-25-2012
Meeting Date

Topic Privatization

Bill Number 2038
(if applicable)

Name Bolobiz Carol

Amendment Barcode _____
(if applicable)

Job Title correctional officer

Address 2783 S Jefferson
Street

Phone 850 321-2928

Monticello FL 32344
City State Zip

E-mail Carrobxt d
Centurylink.net

Speaking: ☐ For ☒ Against ☐ Information

Representing Self

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Budget Committee

BILL: CS/SB 186

INTRODUCER: Judiciary Committee and Senators Ring and Bogdanoff

SUBJECT: Misdemeanor Pretrial Substance Abuse Programs

DATE: February 2, 2012

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Cellon	Cannon	CJ	Fav/1 amendment
2.	Maclure	Maclure	JU	Fav/CS
3.	Sneed	Sadberry	BJA	Favorable
4.	Sneed	Rhodes	BC	Favorable
5.				
6.				

Please see Section VIII. for Additional Information:

- | | | |
|------------------------------|--|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="checked" type="checkbox"/> | Statement of Substantial Changes |
| B. AMENDMENTS..... | <input type="checkbox"/> | Technical amendments were recommended |
| | <input type="checkbox"/> | Amendments were recommended |
| | <input type="checkbox"/> | Significant amendments were recommended |

I. Summary:

The bill expands the pool of people who are eligible for admission into a misdemeanor pretrial substance abuse education and treatment intervention program. It does so by making the following changes to current law:

- Removing the requirement that a person not have previously been admitted to a pretrial program in order to participate in a misdemeanor pretrial substance abuse education and treatment intervention program.
- Eliminating the current restriction that only a person charged with misdemeanor drug or paraphernalia possession under ch. 893, F.S., may participate in a program. The bill retains that offense as an eligible category for participation, but it also adds that a person may participate if he or she is charged with a misdemeanor for:
 - A nonviolent, nontraffic-related offense and it is shown that the person has a substance abuse problem;
 - Prostitution;
 - Underage possession of alcohol; or
 - Possession of certain controlled substances without a valid prescription.

This bill may have a positive fiscal impact on local governments since persons who successfully complete the pretrial intervention programs have their criminal charges dismissed and are not sentenced to jail. However, some counties may need to expend additional funds to expand their programs if it results in a significant increase in the number of participants.

This bill substantially amends section 948.16, Florida Statutes.

It has an effective date of July 1, 2012.

II. Present Situation:

Misdemeanor Pretrial Substance Abuse Education and Treatment Intervention

Misdemeanor possession of controlled substances under ch. 893, F.S., is the possession of 20 or fewer grams of cannabis.¹ Possession of drug paraphernalia for the purposes set forth in s. 893.147, F.S., is also a misdemeanor offense. The specified purposes include such things as possessing the paraphernalia in order to harvest or manufacture a controlled substance.²

Section 948.16, F.S., specifies that a person who is charged with a misdemeanor for possession of a controlled substance or drug paraphernalia under ch. 893, F.S., and who has not previously been convicted of a felony nor been admitted to a pretrial program, is eligible for voluntary admission into a misdemeanor pretrial substance abuse education and treatment intervention program, including a treatment-based drug court program, for a period based on the program requirements and the treatment plan for the offender.

Admission may be based upon motion of either party or the court except, if the state attorney believes the facts and circumstances of the case suggest the defendant is involved in dealing and selling controlled substances, the court shall hold a preadmission hearing. If the state attorney establishes, by a preponderance of the evidence at such hearing, that the defendant was involved in dealing or selling controlled substances, the court shall deny the defendant's admission into the pretrial intervention program.³

Participants in the program are subject to a coordinated strategy developed by a drug court team under s. 397.334(4), F.S., which may include a protocol of sanctions that may be imposed upon the participant for noncompliance with program rules. The protocol of sanctions may include, but is not limited to, placement in a substance abuse treatment program offered by a licensed service provider or in a jail-based treatment program or serving a period of incarceration within the time limits established for contempt of court.⁴

At the end of the pretrial intervention period, the court must:

- Consider the recommendation of the treatment program;
- Consider the recommendation of the state attorney as to disposition of the pending charges;
- and

¹ Section 893.13(6)(b), F.S. The offense is a misdemeanor of the first degree. *Id.*

² Section 893.147(1), F.S. The offense is a misdemeanor of the first degree. *Id.*

³ Section 948.16(1)(a), F.S.

⁴ Section 948.16(1)(b), F.S.

- Determine, by written finding, whether the defendant successfully completed the pretrial intervention program.

If the court finds that the defendant has not successfully completed the pretrial intervention program, the court may order the person to continue in education and treatment or return the charges to the criminal docket for prosecution. The court shall dismiss the charges upon finding that the defendant has successfully completed the pretrial intervention program.⁵

Felony Pretrial Intervention

The Department of Corrections operates a felony pretrial intervention program under s. 948.08, F.S. As a component of that statute, a person who is charged with a nonviolent felony and is identified as having a substance abuse problem or who is charged with a specified second- or third-degree felony, and who has not previously been convicted of a felony, is eligible for voluntary admission into a pretrial substance abuse education and treatment intervention program, including a treatment-based drug court program, for a period of not less than one year.⁶ At the end of the pretrial intervention period, the court shall make a decision as to the disposition of the pending charges. The court shall determine, by written finding, whether the defendant has successfully completed the pretrial intervention program.⁷ In 2009, the Legislature eliminated from the statute a requirement that, in order to participate, the individual not have previously been admitted to a felony pretrial program under the statute.⁸

Pretrial Diversion Programs in General

Research indicates that pretrial diversion programs have proved to be effective alternatives to traditional case proceedings. A study conducted by the National Association of Pretrial Services Agencies⁹ found that, although data on recidivism rates for these programs was sparse, the available data indicated low rates (between 1 percent and 12 percent depending on the type of crime) of recidivism for offenders that complete pretrial diversion programs.¹⁰ The low rate of recidivism for offenders in these programs may be due to the nature of the programs. The Pretrial Justice Institute¹¹ states that pretrial diversion programs “operate under the theory that if the underlying problems are addressed the individual is less likely to recidivate. This, in turn, will

⁵ Section 948.16(2), F.S.

⁶ Section 948.08(6), F.S. The specified second- or third-degree felonies are: purchase or possession of a control substance, prostitution, tampering with evidence, solicitation for purchase of a controlled substance, or obtaining a prescription by fraud. In addition, the person must not have been charged with a crime involving violence. *Id.*

⁷ *Id.*

⁸ Chapter 2009-64, s. 5, Laws of Fla.

⁹ Incorporated in 1973 as a not-for-profit corporation, the National Association of Pretrial Services Agencies (NAPSA) is the national professional association for the pretrial release and pretrial diversion fields. More information can be found at <http://www.napsa.org/mission.htm> (last visited Oct. 13, 2011).

¹⁰ Spurgeon Kennedy et al. *Promising Practices in Pretrial Diversion*, 16, available at <http://www.pretrial.org/Docs/Documents/PromisingPracticeFinal.pdf> (last visited Oct. 13, 2011).

¹¹ In 1976 the U.S. Department of Justice funded the Pretrial Justice Institute at the request of NAPSA, and it is the nation’s only not-for-profit organization dedicated to ensuring informed pretrial decision-making for safe communities. More information can be found at <http://www.pretrial.org/AboutPJI/Pages/default.aspx> (last visited Oct. 13, 2011).

lead to less crime and less future costs to the criminal justice system.”¹² Since their beginnings in the 1960’s, pretrial diversion programs have been continually expanded. In an article published by the National Association of Pretrial Services Agencies, the author states:

In 1972, ... fund [from the Law Enforcement Assistance Administration of the U.S. Department of Justice] led to the start-up of the Metropolitan Dade County Pretrial Intervention Project, in Miami, FL. The consistent record of accomplishment of Dade County Pretrial Intervention from that time forward led not only to the proliferation of diversion programs in the State of Florida – far in excess of the number anywhere else in the south – but to the adoption of a state diversion statute and to state-level standards and goals for diversion promulgated by a governor’s crime commission.¹³

III. Effect of Proposed Changes:

Under current law only a person who has been charged with a misdemeanor for possession of a controlled substance or drug paraphernalia under ch. 893, F.S., and who has not previously been convicted of a felony nor been admitted to a pretrial program, is eligible for voluntary admission into a misdemeanor pretrial substance abuse education and treatment intervention program.

The bill expands the pool of people who are eligible for admission into a misdemeanor pretrial substance abuse education and treatment intervention program. It does so by removing the condition that, in order to participate in the substance abuse education and treatment intervention program, a person must not have been previously admitted to a pretrial program.

Additionally, the bill expands the pool of potential participants in the pretrial program to include persons who are charged with misdemeanor prostitution or underage possession of alcohol. Prostitution is defined by s. 796.07, F.S. The first violation is a second-degree misdemeanor, and a second offense is punishable as a first-degree misdemeanor.¹⁴ Possession of alcohol by a person under the age of 21 is prohibited by s. 562.111, F.S. The first offense is punishable as a second-degree misdemeanor while the second offense is a first-degree misdemeanor.¹⁵ The bill also provides that persons who are charged with misdemeanor possession of certain controlled substances without a valid prescription may be admitted to the program.¹⁶

¹² John Clark, Pretrial Justice Institute, *The Role of Traditional Pretrial Diversion in the Age of Specialty Treatment Courts: Expanding the Range of Problem-Solving Options at the Pretrial Stage*, 7 (October 2007), available at <http://www.pretrial.org/Reports/PJI%20Reports/Forms/DispForm.aspx?ID=25> (last visited Oct. 13, 2011).

¹³ John P. Bellassai, *A Short History of the Pretrial Diversion of Adult Defendants from Traditional Criminal Justice Processing Part One: The Early Years*, 5, available at <http://www.napsa.org/publications/diversionhistory.pdf> (last visited Oct. 13, 2011).

¹⁴ Section 796.07(4), F.S.

¹⁵ Section 562.111(1), F.S.

¹⁶ The bill cites s. 499.03, F.S., which punishes as a second-degree misdemeanor the possession of “any habit-forming, toxic, harmful, or new drug subject to s. 499.003(33), or prescription drug as defined in s. 499.003(43), unless the possession of the drug has been obtained by a valid prescription.” These drugs include “new drugs” (s. 499.003(33), F.S.), prescription drugs (s. 499.003(43), F.S.), medicinal drugs (s. 465.003(8), F.S.), misbranded drugs (s. 499.007(13), F.S.), compressed medical gas (s. 499.003(11), F.S.), prescription medical oxygen (s. 499.003(46), F.S.), and veterinary prescription drugs (s. 499.003(53), F.S.).

Finally, the bill provides that a person charged with a nonviolent, nontraffic-related misdemeanor offense¹⁷ who is identified as having a substance abuse problem also is eligible for admission into a misdemeanor pretrial substance abuse education and treatment intervention program.

The bill retains the requirement that a person eligible to participate in a misdemeanor pretrial substance abuse education and treatment intervention program must not have previously been convicted of a felony.

The bill provides an effective date of July 1, 2012.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

This bill appears to be exempt from the requirements of article VII, section 18 of the Florida Constitution because it involves a criminal law.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The number of potential participants in county-funded misdemeanor pretrial substance abuse education and treatment intervention programs could increase under the bill. Although no potential fiscal impact has been brought to the attention of professional staff of the committee, it is conceivable that the counties may decide to increase program capacity, which would result in increased expenditures. To the extent that persons who successfully complete programs have their criminal charges dismissed and are not sentenced to time in local jails, local governments may see positive fiscal effects.

¹⁷ These offenses would include certain trespass, theft, criminal-mischief, and worthless-check offenses to name a few.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Judiciary on October 18, 2011:

The committee substitute:

- Clarifies that eligibility to participate in a misdemeanor pretrial substance abuse education and treatment intervention program applies to a person who may be charged with one of several different types of misdemeanor offenses prescribed in the bill and clarifies that the prohibition against having a prior felony conviction applies in the case of each prescribed offense.
- Corrects the statutory citation (to s. 499.03, F.S.) for possession of a controlled substance without a valid prescription; and
- Adds the statutory citation for possession of alcohol while under 21 years of age (s. 562.111, F.S.) for continuity with the other specific offenses addressed in the bill, which include statutory citations.

B. Amendments:

None.

By the Committee on Judiciary; and Senators Ring and Bogdanoff

590-00673-12

2012186c1

A bill to be entitled

An act relating to misdemeanor pretrial substance abuse programs; amending s. 948.16, F.S.; providing that a person who is charged with a nonviolent, nontraffic-related misdemeanor and identified as having a substance abuse problem or who is charged with certain other designated misdemeanor offenses, and who has not previously been convicted of a felony, may qualify for participation in a misdemeanor pretrial substance abuse program; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraph (a) of subsection (1) of section 948.16, Florida Statutes, is amended to read:

948.16 Misdemeanor pretrial substance abuse education and treatment intervention program.—

(1) (a) A person who is charged with a nonviolent, nontraffic-related misdemeanor and identified as having a substance abuse problem or who is charged with a misdemeanor for possession of a controlled substance or drug paraphernalia under chapter 893, prostitution under s. 796.07, possession of alcohol while under 21 years of age under s. 562.111, or possession of a controlled substance without a valid prescription under s. 499.03, and who has not previously been convicted of a felony ~~nor been admitted to a pretrial program~~, is eligible for voluntary admission into a misdemeanor pretrial substance abuse education and treatment intervention program, including a

Page 1 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

590-00673-12

2012186c1

treatment-based drug court program established pursuant to s. 397.334, approved by the chief judge of the circuit, for a period based on the program requirements and the treatment plan for the offender, upon motion of either party or the court's own motion, except, if the state attorney believes the facts and circumstances of the case suggest the defendant is involved in dealing and selling controlled substances, the court shall hold a preadmission hearing. If the state attorney establishes, by a preponderance of the evidence at such hearing, that the defendant was involved in dealing or selling controlled substances, the court shall deny the defendant's admission into the pretrial intervention program.

Section 2. This act shall take effect July 1, 2012.

Page 2 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Governmental Oversight and Accountability, *Chair*
Budget - Subcommittee on Education Pre-K - 12
Appropriations
Commerce and Tourism
Community Affairs
Higher Education

SENATOR JEREMY RING

32nd District

October 24, 2011

Honorable Senator JD Alexander
412 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399

Dear Chairman Alexander,

I am writing to ask you to place Senate Bill 186 relating to Misdemeanor Pre-Trial Substance Abuse Programs on the Budget agenda at your earliest convenience. I look forward to discussing this bill at greater length in front of your committee. Please do not hesitate to contact me if you have any questions or concerns about this legislation.

Very Truly Yours,

A handwritten signature in cursive script that reads "Jeremy Ring".

Jeremy Ring
Senator District 32

CC: Terry Rhodes, Staff Director

REPLY TO:

- ☐ 5790 Margate Boulevard, Margate, Florida 33063 (954) 917-1392
- ☐ 210 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5094

Senate's Website: www.flsenate.gov

MIKE HARIDOPOLOS
President of the Senate

MICHAEL S. "MIKE" BENNETT
President Pro Tempore



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Governmental Oversight and Accountability, *Chair*
Budget - Subcommittee on Education Pre-K - 12
Appropriations
Commerce and Tourism
Community Affairs
Higher Education

SENATOR JEREMY RING

32nd District

November 17, 2011

Honorable Senator JD Alexander
412 Senate Office Building
404 South Monroe Street
Tallahassee, Fl 32399

Dear Chairman Alexander,

I am writing to ask you to place Senate Bill 186 relating to Misdemeanor Pre-Trial Substance Abuse Programs on the Budget agenda at your earliest convenience. I look forward to discussing this bill at greater length in front of your committee. Please do not hesitate to contact me if you have any questions or concerns about this legislation.

Very Truly Yours,

A handwritten signature in cursive script that reads "Jeremy Ring".

Jeremy Ring
Senator District 32

CC: Terry Rhodes, Staff Director

REPLY TO:

- ☐ 5790 Margate Boulevard, Margate, Florida 33063 (954) 917-1392
- ☐ 210 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5094

Senate's Website: www.flsenate.gov

MIKE HARIDOPOLOS
President of the Senate

MICHAEL S. "MIKE" BENNETT
President Pro Tempore

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Budget Committee

BILL: CS/SB 226

INTRODUCER: Budget Subcommittee on Transportation, Tourism, and Economic Development
Appropriations and Senators Margolis and Gaetz

SUBJECT: Disabled Parking Permits

DATE: February 2, 2012

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Eichin	Buford	TR	Favorable
2.	Carey/Smith	Meyer, R.	BTA	Fav/CS
3.	Carey/Smith	Rhodes	BC	Favorable
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

- | | | |
|------------------------------|--|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="checked" type="checkbox"/> | Statement of Substantial Changes |
| B. AMENDMENTS..... | <input type="checkbox"/> | Technical amendments were recommended |
| | <input type="checkbox"/> | Amendments were recommended |
| | <input type="checkbox"/> | Significant amendments were recommended |

I. Summary:

The bill revises laws relating to disability parking permits. The bill:

- expands the type of officials who may waive citations for disability permit parking violations by including the parking enforcement specialist or agency that issued the citation;
- revises the requirements for renewing or replacing a long-term disabled parking permit and includes prohibitions for certain violations;
- provides for random audits of disabled parking permit holders;
- requires the Department of Highway Safety and Motor Vehicles (DHSMV or department) to develop and implement a system to allow the reporting of abuses of disabled parking permits; and
- requires the department to develop and implement a public awareness campaign regarding how such abuse burdens disabled persons.

This bill substantially amends ss. 318.18 and 320.0848, Florida Statutes. This bill creates an unnumbered section of the Florida Statutes.

II. Present Situation:

Section 320.0848, F.S., authorizes the department and its agents to issue disabled parking permits to persons with impaired mobility. Such permits may be issued for a period of up to 4 years to any person with a long-term mobility impairment. Similarly, persons with a temporary mobility impairment may be issued a temporary disabled parking permit for a period of up to 6 months. A fee may be charged for the permit. However, no person may be charged a fee more frequently than once every 12 months.

A person applying for a disabled parking permit must be currently certified as being legally blind or as having any of the following conditions which would render the person unable to walk 200 feet without stopping to rest:

- The inability to walk without a brace, cane, crutch, prosthetic device, or other assistive device;
- The need to permanently use a wheelchair;
- Lung disease as measured within specified limits;
- Use of portable oxygen;
- A Class III or IV heart condition; or
- A severe limitation in the ability to walk due to an arthritic, neurological, or orthopedic condition.

The certification must be made by a physician, podiatrist, optometrist, advanced registered nurse practitioner, or physician's assistant, any of which must be licensed under one of various chapters of Florida Statute. However, provisions are made to encompass certification by similarly-licensed physicians from other states, as well. The certification must include:

- The disability of the applicant;
- The certifying practitioner's name, address, and certification number;
- The eligibility criteria for the permit;
- Information concerning the penalty for falsification;
- The duration of the condition; and
- Justification for any additional placard issued.

The disabled parking permit must be a placard that can be placed in a motor vehicle so as to be visible from the front and rear of the vehicle. Each side of the placard must have the international symbol of accessibility in a contrasting color in the center so as to be visible. One side of the placard must display the applicant's driver's license number or state identification card number along with a warning the applicant must have such identification at all times while using the parking permit. No person will be required to pay a fee for a parking permit for disabled persons more than once in a 12-month period.

Although a disabled parking permit must be renewed every four years, it does not expire under current law. The department allows for online and mail-in renewals, as well as replacements in the case of stolen or damaged permits, for persons certified as having a long-term disability. Currently, s. 320.0848, F.S., does not require persons who have a long-term disabled parking

permit to apply for a renewal or a replacement permit in person or provide an additional certificate of disability.

Section 320.0848, F.S., allows for temporary disabled parking permits to be issued for the period of the disability as stated by the certifying physician, but not to exceed six months. A temporary parking permit for a disabled person must be a different color than the long-term permit (the long-term placard is blue, the temporary placard is red), and, similar to the long-term permit, must display the permit expiration date, the state identification or driver's license number of the permit holder.

An application for a disabled parking permit is an official state document. The following statement is required to appear on each application immediately below the applicant's name and the certifying practitioner's name:

Knowingly providing false information on this application is a misdemeanor of the first degree, punishable as provided in s. 775.082, Florida Statutes, or s. 775.083, Florida Statutes. The penalty is up to 1 year in jail or a fine of \$1000, or both.

A person who fraudulently obtains or unlawfully displays a disabled parking permit (or uses an unauthorized replica) is guilty of a 2nd degree misdemeanor. The penalty is up to 60 days in jail or a fine of \$500, or both.

A law enforcement officer may confiscate the disabled parking permit from any person who fraudulently obtains or unlawfully uses such a permit, including using the permit while the owner of the permit is not being transported. A law enforcement officer may confiscate any disabled parking permit that is expired, reported as lost or stolen, or defaced, or that does not display a personal identification number. However, the permit owner may apply for a new permit immediately.

The department tracks all disabled parking permits issued since 1999, including confiscations of the permit. According to DHSMV, the department conducts some auditing to ensure that driver licenses are only issued to living persons. However, programming is not specifically tailored to audit the records of persons to whom disabled parking permits have been issued.

III. Effect of Proposed Changes:

Section 1 amends s. 318.18(6), F.S., expanding the list of officials who can waive citations for illegally parking in a disability parking space. The bill allows the parking enforcement specialist or the agency that issued a parking citation to waive citations and sign affidavits of compliance.

Section 2 amends s. 320.0848, F.S., to require persons certified as permanently disabled who are holders of a disabled parking permit to renew by providing a certificate of disability issued within the last 12 months. Persons obtaining a replacement for a disabled parking permit must provide a certificate of disability issued within the last 12 months in order to submit the required application.

Current law allows law enforcement officers to confiscate the disabled parking permit of a person who has obtained it fraudulently or uses it unlawfully. The bill also authorizes parking enforcement specialists to confiscate fraudulently obtained or unlawfully used permits.

The bill requires a person who is found guilty of unlawful use of a permit (or who enters a plea of nolo contendere to the charge) to wait four years before applying for a new disabled permit if he or she had a prior finding of guilt or plea of nolo contendere to the charge.

The bill requires DHSMV to conduct random audits of disabled parking permit holders at least every six months. As a component of this audit, the department is required to:

- review the death records maintained by the Department of Health to ensure the permit holder is not deceased;
- review the number of times the permit has been confiscated or unlawfully used;
- determine if the permit has ever been reported lost or stolen; and
- determine the current status of the permit.

The department is directed to verify, at least annually, that the owner of each disabled parking permit has not died. If a permit owner is found to be deceased, the department is directed to promptly invalidate the decedent's permit. The department is also required to develop and implement a method by which abuse can be reported by telephone hotline, submission of an online form, or by mail.

Section 3 creates an unidentified section of Chapter 320, F.S., to require DHSMV to make a public announcement and conduct a public awareness campaign regarding the abuses of disabled parking permits and the burdens inflicted on disabled persons throughout the state. The campaign is to begin within 30 days after the effective date of this act and continue for not less than six months. Its purpose is to inform the public about:

- the requirement to provide a certificate of disability issued within the last 12 months in order to renew an expired disabled parking permit or replace a lost or stolen disabled parking permit;
- the implementation of the periodic disabled parking permit audit system; and
- the new complaint process for reporting abuses of disabled parking permits.

Section 4 establishes an effective date of July 1, 2012.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Permit holders will bear costs related to appearing in person at a Tax Collector's office and obtaining a current certification form from their physician every four years.

C. Government Sector Impact:

According to DHSMV, the public awareness provisions of the bill would result in non-recurring start-up costs of approximately \$114,600 for printing and mailing.

Implementation of the audit and reporting provisions of the bill would result in recurring costs \$51,172 for salary, benefits, and other expenses accruing to one additional Senior Highway Safety Specialist position.

DHSMV also estimates approximately 60 hours of programming would be needed to implement the provisions of the bill. These costs would be absorbed within existing DHSMV resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by the Budget Subcommittee on Transportation and Economic Development Appropriations on December 8, 2011:

The committee substitute provides a certificate of disability that has been issued in the previous 12 months be provided when renewing or replacing a disabled parking permit rather than requiring that the applicant appear in person.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.



866216

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
01/30/2012	.	
	.	
	.	
	.	

The Committee on Budget (Margolis) recommended the following:

Senate Amendment (with title amendment)

Delete lines 130 - 141.

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete lines 17 - 19

and insert:

reporting abuse of disabled parking permits; providing
an effective date.

By the Committee on Budget Subcommittee on Transportation,
Tourism, and Economic Development Appropriations; and Senators
Margolis and Gaetz

606-01582-12

2012226c1

A bill to be entitled

An act relating to disabled parking permits; amending
s. 318.18, F.S.; providing for a parking enforcement
specialist or agency to validate compliance for the
disposition of a citation issued for illegally parking
in a space provided for people who have disabilities;
amending s. 320.0848, F.S.; revising requirements for
renewal or replacement of a disabled parking permit;
prohibiting applying for a new disabled parking permit
for a certain period of time upon a second finding of
guilt or plea of nolo contendere to unlawful use of
such permit; requiring the Department of Highway
Safety and Motor Vehicles to audit disabled parking
permitholders, verify certain information, and
invalidate the permit of a deceased permitholder;
directing the department to implement a means for
reporting abuse of disabled parking permits; providing
for the department to conduct a public awareness
campaign; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (6) of section 318.18, Florida
Statutes, is amended to read:

318.18 Amount of penalties.—The penalties required for a
noncriminal disposition pursuant to s. 318.14 or a criminal
offense listed in s. 318.17 are as follows:

(6) One hundred dollars or the fine amount designated by
county ordinance, plus court costs for illegally parking, under

606-01582-12

2012226c1

s. 316.1955, in a parking space provided for people who have
disabilities. However, this fine ~~shall will~~ be waived if a
person provides to the law enforcement agency or parking
enforcement specialist or agency that issued the citation for
such a violation proof that the person committing the violation
has a valid parking permit or license plate issued pursuant to
s. 316.1958, s. 320.0842, s. 320.0843, s. 320.0845, or s.
320.0848 or a signed affidavit that the owner of the disabled
parking permit or license plate was present at the time the
violation occurred, and that such a parking permit or license
plate was valid at the time the violation occurred. The law
enforcement officer or agency or the parking enforcement
specialist or agency, upon determining that all required
documentation has been submitted verifying that the required
parking permit or license plate was valid at the time of the
violation, must sign an affidavit of compliance. Upon provision
of the affidavit of compliance and payment of a dismissal fee of
up to \$7.50 to the clerk of the circuit court, the clerk shall
dismiss the citation.

Section 2. Paragraph (d) of subsection (1), paragraph (e)
of subsection (2), and subsection (8) of section 320.0848,
Florida Statutes, are amended, present subsections (9) and (10)
are renumbered as subsections (11) and (12), respectively, and
new subsections (9) and (10) are added to that section, to read:

320.0848 Persons who have disabilities; issuance of
disabled parking permits; temporary permits; permits for certain
providers of transportation services to persons who have
disabilities.—

(1)

606-01582-12

2012226c1

(d) Beginning October 1, 2012 ~~April 1, 1999~~, the department of Highway Safety and Motor Vehicles shall renew the disabled parking permit of any person certified as permanently disabled on the application if the person provides a certificate of disability issued within the last 12 months pursuant to this subsection.

(2) DISABLED PARKING PERMIT; PERSONS WITH LONG-TERM MOBILITY PROBLEMS.—

(e) To obtain a replacement for a disabled parking permit that has been lost or stolen, a person must submit an application on a form prescribed by the department, provide a certificate of disability issued within the last 12 months pursuant to subsection (1), and ~~must~~ pay a replacement fee in the amount of \$1 ~~\$1.00~~, to be retained by the issuing agency. If the person submits with the application a police report documenting that the permit was stolen, there is no replacement fee.

(8) A law enforcement officer or a parking enforcement specialist may confiscate the disabled parking permit from any person who fraudulently obtains or unlawfully uses such a permit. A law enforcement officer or a parking enforcement specialist may confiscate any disabled parking permit that is expired, reported as lost or stolen, or defaced, or that does not display a personal identification number.

(a) ~~Beginning April 1, 1999,~~ The permit number of each confiscated permit must be submitted to the department of ~~Highway Safety and Motor Vehicles~~, and the fact that the permit has been confiscated must be noted on the permitholder's record. If two permits issued to the same person have been confiscated,

606-01582-12

2012226c1

the department of Highway Safety and Motor Vehicles shall refer the information to the central abuse hotline of the Department of Children and Family Services for an investigation of potential abuse, neglect, or exploitation of the permit owner.

(b) A confiscated permit must be held as evidence until a judicial decision about the violation has been made. After a finding of guilt has been made or a plea of nolo contendere has been entered, the charging agency shall destroy the confiscated permit. A confiscated permit may not, under any circumstances, be returned to its registered owner after a finding of guilt has been made or a plea of nolo contendere has been entered in court. If a finding of guilt has been made or a plea of nolo contendere has been entered for fraudulent or other unlawful use of a disabled parking permit after a prior finding of guilt or plea of nolo contendere for fraudulent or other unlawful use of a disabled parking permit issued to the same registered permitholder, the permitholder may not apply for a new disabled parking permit for 4 years. The permit number of each destroyed permit must be reported to the department, and the department must record in the real-time disabled parking permit database that the permit has been invalidated.

(9) (a) At least once every 6 months, the department shall randomly audit disabled parking permitholders to ensure that all required criteria for the ownership and possession of such permit remain valid. As a component of the audit, the department shall, at a minimum:

1. Review death records maintained by the Department of Health to ensure that the permitholder has not died.

2. Review the number of times the permit has been

606-01582-12 2012226c1

confiscated for fraudulent or unlawful use, if at all.

3. Determine if the permit has ever been reported lost or stolen and, if so, determine the current status of the permit.

(b) At least annually, the department shall verify that the owner of each disabled parking permit has not died. Such verification shall include, but need not be limited to, consultation of death records maintained by the Department of Health. If a disabled parking permitholder is found to be deceased, the department shall promptly invalidate the decedent's disabled parking permit.

(10) The department shall develop and implement a means by which persons can report abuse of disabled parking permits by telephone hotline or by submitting a form online or by mail.

Section 3. (1) The Department of Highway Safety and Motor Vehicles shall make a public announcement and conduct a public awareness campaign regarding the abuses of disabled parking permits and the burdens such abuses inflict on disabled persons throughout the state. The public awareness campaign shall also inform the public about:

(a) The implementation of the new periodic disabled parking permit audit system.

(b) The implementation of the new complaint process for reporting abuses of disabled parking permits.

(2) The public awareness campaign shall commence by August 1, 2012, and shall continue for at least 6 months.

Section 4. This act shall take effect July 1, 2012.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/25/12
Meeting Date

Topic SB 226 - Disabled Parking Permits Bill Number SB 226
(if applicable)
Name Jenna Paladino Amendment Barcode _____
(if applicable)
Job Title Dir of Public Policy
Address 10316 Estero Bay Lane Phone 813 7771465
Street
Tampa FL 33625 E-mail jenna.paladino@
City State Zip nmss.org
Speaking: ☒ For ☐ Against ☐ Information
Representing National MS Society
Appearing at request of Chair: ☐ Yes ☒ No Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)



The Florida Senate

Committee Agenda Request

To: Senator JD Alexander, Chair
Committee on Budget

Subject: Committee Agenda Request

Date: November 2, 2011

I respectfully request that **226**, relating to Disabled Parking Permit, be placed on the:

- ☐ committee agenda at your earliest possible convenience.
- ☒ next committee agenda.

Senator Gwen Margolis

Senator Gwen Margolis
Florida Senate, District 35

SENATE APPROPRIATIONS
11 NOV -2 AM 11:09
STAFF DR. _____ STAFF _____



The Florida Senate

Committee Agenda Request

To: Senator JD Alexander, Chair
Committee on Budget

Subject: Committee Agenda Request

Date: December 12, 2011

SENATE APPROPRIATIONS
11 DEC 12 PM 12:10
STAFF DIR. STAFF

I respectfully request that **226**, relating to Disabled Parking Permits, be placed on the:

- ☐ committee agenda at your earliest possible convenience.
- ☒ next committee agenda.

A handwritten signature in cursive script that reads "Senator Gwen Margolis".

Senator Gwen Margolis
Florida Senate, District 35

CourtSmart Tag Report

Room: KN 412
Caption: Senate Budget Committee

Case:
Judge:

Type:

Started: 1/25/2012 1:21:25 PM
Ends: 1/25/2012 2:59:25 PM **Length:** 01:38:01

1:21:27 PM	Senator Alexander (Chair)
1:22:38 PM	S 2038
1:24:21 PM	Sen. Thrasher
1:25:22 PM	Sen. Alexander
1:26:18 PM	Sen. Fasano
1:26:46 PM	Sen. Thrasher
1:27:06 PM	Sen. Fasano
1:27:34 PM	Sen. Alexander
1:28:31 PM	Sen. Fasano
1:28:58 PM	Sen. Alexander
1:29:15 PM	Sen. Fasano
1:29:31 PM	Sen. Alexander
1:29:54 PM	Sen. Fasano
1:30:58 PM	Sen. Alexander
1:31:53 PM	Sen. Fasano
1:32:04 PM	Sen. Thrasher
1:32:30 PM	Sen. Alexander
1:33:37 PM	Am. 936944
1:33:58 PM	Sen. Negron
1:35:04 PM	Sen. Alexander
1:35:11 PM	Sen. Margolis
1:36:20 PM	Am. 700034
1:36:25 PM	Sen. Hays
1:38:19 PM	Am. 144752
1:38:36 PM	Sen. Gaetz
1:40:20 PM	Am. 388554
1:40:28 PM	Sen. Negron
1:41:05 PM	Sen. Alexander
1:41:20 PM	Sen. Negron
1:41:53 PM	Sen. Fasano
1:42:31 PM	Sen. Negron
1:43:24 PM	Sen. Montford
1:44:20 PM	Michael Webber, Bureau Chief, Private Prison Monitoring, Dept. of Management Services
1:45:21 PM	Sen. Montford
1:45:34 PM	M. Webber
1:46:00 PM	Sen. Montford
1:46:37 PM	Sen. Alexander
1:46:48 PM	M. Webber
1:46:57 PM	Sen. Alexander
1:47:17 PM	Sen. Fasano
1:48:41 PM	Sen. Gaetz
1:49:38 PM	Sen. Negron
1:50:35 PM	Sen. Alexander
1:51:37 PM	Sen. Margolis
1:51:59 PM	Sen. Alexander
1:52:17 PM	Am. 747188
1:52:24 PM	Sen. Thrasher
1:53:03 PM	Sen. Fasano
1:53:43 PM	Sen. Thrasher
1:53:54 PM	Sen. Fasano
1:54:12 PM	Sen. Thrasher
1:54:22 PM	Sen. Alexander

1:54:49 PM	Sen. Fasano
1:54:58 PM	Sen. Alexander
1:55:07 PM	Sen. Fasano
1:55:45 PM	Sen. Alexander
1:56:20 PM	Sen. Fasano
1:56:56 PM	Sen. Alexander
1:57:36 PM	Sen. Fasano
1:57:41 PM	Sen. Alexander
1:57:57 PM	Sen. Fasano
1:59:18 PM	Sen. Alexander
1:59:29 PM	Sen. Fasano
2:00:27 PM	Sen. Alexander
2:00:55 PM	Sen. Fasano
2:01:11 PM	Secretary Ken Tucker, Dept. of Corrections
2:01:56 PM	Sen. Fasano
2:02:30 PM	K. Tucker
2:02:47 PM	Sen. Fasano
2:02:53 PM	Sen. Alexander
2:03:24 PM	Sen. Thrasher
2:04:13 PM	Sen. Alexander
2:05:11 PM	Sen. Fasano
2:05:26 PM	Sen. Alexander
2:05:46 PM	Sen. Fasano
2:06:19 PM	Sen. Alexander
2:06:25 PM	Sen. Lynn
2:07:16 PM	Sen. Alexander
2:07:33 PM	Sen. Montford
2:09:46 PM	Sen. Alexander
2:10:39 PM	Am. 588388
2:10:44 PM	Sen. Gaetz
2:11:59 PM	Sen. Alexander
2:12:04 PM	Sen. Montford
2:12:49 PM	Sen. Gaetz
2:13:37 PM	Sen. Montford
2:14:20 PM	Sen. Alexander
2:14:42 PM	Am. 936944
2:15:57 PM	Sen. Alexander
2:16:10 PM	Sen. Margolis
2:17:09 PM	Sen. Sobel
2:17:19 PM	Am. 336188
2:17:58 PM	Sen. Margolis
2:18:52 PM	Sen. Lynn
2:19:17 PM	Sen. Alexander
2:19:27 PM	Sen. Lynn
2:19:38 PM	Sen. Margolis
2:21:07 PM	Sen. Thrasher
2:21:24 PM	Sen. Margolis
2:21:29 PM	Sen. Fasano
2:22:32 PM	Sen. Thrasher
2:22:55 PM	Sen. Lynn
2:23:23 PM	Sen. Alexander
2:24:13 PM	Sen. Lynn
2:24:30 PM	Sen. Margolis
2:26:06 PM	Sen. Sobel
2:27:08 PM	Sen. Thrasher
2:27:58 PM	Sen. Montford
2:28:32 PM	Sen. Alexander
2:28:52 PM	Sen. Fasano
2:29:39 PM	Sen. Alexander
2:29:53 PM	Sen. Fasano
2:30:24 PM	Sen. Thrasher
2:30:41 PM	Sen. Fasano

2:31:01 PM	Sen. Alexander
2:31:20 PM	Sen. Fasano
2:32:00 PM	Sen. Thrasher
2:32:05 PM	Sen. Fasano
2:32:21 PM	Sen. Thrasher
2:32:26 PM	Sen. Alexander
2:34:24 PM	Sen. Fasano
2:35:14 PM	Sen. Alexander
2:35:34 PM	Am. 711576, Am. 841258
2:36:46 PM	Sen. Siplin
2:37:42 PM	K. Tucker
2:38:41 PM	Sen. Siplin
2:38:48 PM	K. Tucker
2:39:08 PM	Steve Ferst, Chief of Staff, Dept. of Corrections
2:40:04 PM	Sen. Montford
2:40:29 PM	K. Tucker
2:41:11 PM	Sen. Montford
2:41:33 PM	K. Tucker
2:42:08 PM	Sen. Richter
2:44:30 PM	Sen. Alexander
2:46:32 PM	M. Weber
2:47:55 PM	Sen. Sobel
2:48:49 PM	Sen. Lynn
2:48:54 PM	Sen. Alexander
2:49:03 PM	Robert Weissert, Vice President for Research and General Counsel, Florida TaxWatch
2:51:04 PM	Ron Silver, Teamsters
2:52:38 PM	Sen. Alexander
2:53:04 PM	R. Silver
2:53:20 PM	Sen. Hays
2:54:01 PM	Sen. Fasano
2:57:14 PM	Sen. Thrasher
2:58:13 PM	Sen. Alexander
2:58:58 PM	



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Finance and Tax, *Chair*
Community Affairs
Health Regulation
Transportation
Ways and Means - Policy and Steering

JOINT COMMITTEES:
Legislative Sunset
Public Counsel Oversight

SENATOR THAD ALTMAN
24th District

January 23rd, 2011

The Honorable JD Alexander, Chair
Senate Committee on Budget
412 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399

Dear Chair Alexander:

I respectfully request an excused absence for the meeting of the Committee on Budget on January 25th, 2012 at 1:00 PM. Please contact me or my Legislative Assistant Kari Janzen if you have any questions.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Thad Altman".

Thad Altman

CC: Terry Rhodes, Staff Director, 201 The Capitol Building

REPLY TO:

- ☐ 6767 North Wickham Road, Suite 211, Melbourne, Florida 32940 (321) 752-3138
- ☐ 324 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5053

Senate's Website: www.flsenate.gov

JEFF ATWATER
President of the Senate

MIKE FASANO
President Pro Tempore

ok 1/24/12
JP



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

SENATOR ARTHENIA L. JOYNER

Democratic Leader Pro Tempore
18th District

COMMITTEES:

Budget - Subcommittee on Criminal and Civil Justice
Appropriations, *Vice Chair*
Judiciary, *Vice Chair*
Budget
Budget - Subcommittee on Higher Education
Appropriations
Communications, Energy, and Public Utilities
Rules - Subcommittee on Ethics and Elections
Reapportionment
Transportation

SELECT COMMITTEE:

Protecting Florida's Children, *Vice Chair*

JOINT COMMITTEE:

Legislative Auditing Committee

January 18, 2012

Senator J. D. Alexander, Chair
Committee on Budget
201 The Capitol
Tallahassee, FL 32399

Dear Senator Alexander:

This letter is to request to be excused from the Committee on Budget meeting on Wednesday, January 25. Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script, reading "Arthenia L. Joyner".

Arthenia L. Joyner
State Senator, District 18

Handwritten initials, possibly "JD", in a stylized cursive script.

REPLY TO:

- ☐ 508 W Dr. Martin Luther King Jr. Blvd, Suite C, Tampa, Florida 33603-3415 (813) 233-4277
- ☐ 202 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5059

Senate's Website: www.flsenate.gov

MIKE HARIDOPOLOS
President of the Senate

MICHAEL S. "MIKE" BENNETT
President Pro Tempore